

# HOUSE OF REPRESENTATIVES—Monday, October 7, 1985

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WRIGHT].

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 3, 1985.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, October 7, 1985.

THOMAS P. O'NEILL, Jr.,  
Speaker of the House of Representatives.

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*Ascribe to the Lord, O families of the peoples, ascribe to the Lord glory and strength!—Psalm 96:7.*

We acknowledge, gracious God, that we have been greatly blessed. As individuals and as a nation, we have received the gifts of freedom and opportunity that have helped make our lives satisfying. Encourage us never to forget the wonderful blessings of our heritage and may we ever remember to begin each day with the spirit of thanksgiving and end each day with praise. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2410) "An Act to amend the Public Health Service Act to revise and extend the programs under title VII of that Act."

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 274. An act to provide for the national security by allowing access to certain Federal criminal history records;

S. 1264. An act to amend the National Foundation on the Arts and the Humanities

Act of 1965, the Museum Services Act, and the Arts and Artifacts Indemnity Act, to extend the authorization of appropriations for such acts, and for other purposes;

S.J. Res. 97. Joint resolution designating the Study Center for Trauma and Emergency Medical Systems at the Maryland Institute for Emergency Medical Services Systems at the University of Maryland as the National Study Center for Trauma and Emergency Medical Systems;

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month"; and

S.J. Res. 174. Joint resolution to designate November 18, 1985, as "Eugene Ormandy Appreciation Day."

## CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

## JAMES A. WALSH U.S. COURTHOUSE

The Clerk called the bill (H.R. 2698) to designate the U.S. Courthouse in Tucson, AZ, as the "James A. Walsh United States Courthouse."

There being no objection, the Clerk read the bill as follows:

H.R. 2698

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. DESIGNATION OF COURTHOUSE.

The building located at 55 East Broadway in Tucson in the State of Arizona, commonly known as the United States Courthouse, hereafter shall be known and designated as the "James A. Walsh United States Courthouse".

### SEC. 2. LEGAL REFERENCES TO COURTHOUSE.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 hereby is deemed to be a reference to the "James A. Walsh United States Courthouse".

Mr. UDALL. Mr. Speaker, a good friend, a good man, a good judge and one of the kindest people I have ever known, James Walsh, retires this September as a U.S. district judge in Tucson.

It's been said of Judge Walsh that he is everything a good judge ought to be, and nothing that a judge shouldn't be. That's a pretty fair summation of the judge's character, but there is more to the story.

James Walsh was one of those adventurous young men who left his home in Massachusetts in the late 1920's to head West. With a law degree from Georgetown University, he doubtless could have a sterling career with any number of fine old eastern law offices.

But he settled in Mesa, AZ, instead; in those days, a hot and dusty little town, where he found his calling in a \$25-a-week law job that became the foundation of James Walsh's Arizona roots.

In time, Walsh served as an assistant U.S. attorney, and as a Maricopa County attorney. In 1952, he became the last person to be appointed to the Federal bench by President Truman. He has been there ever since.

I know James Walsh as an absolutely tireless man, devoted not just to the mechanics of the law, but to the fairness of it. Many a lawyer—indeed, many a judge—will tell you that James Walsh set the standard for them all.

Some folks out in Arizona will tell you that James Walsh has a lot of gray matter up there—and they don't mean hair.

"He's a great judge," said former U.S. attorney William C. Smitherman. "I can say that without reservation."

It is with some pride that I have introduced legislation in this session of the Congress to rename the Federal building in Tucson in honor of this fine and humble man.

I wish Judge Walsh all the very best that he and his family seeks in the months and years ahead. And I know I speak for all of his friends when I say, not just thanks for a job well done, but thanks for letting each of us know you.

Mr. SHAW. Mr. Speaker, I am pleased to rise in support of the bill H.R. 1483 which would designate the U.S. courthouse in Tucson, AZ, as the "James A. Walsh United States Courthouse."

Judge Walsh was a distinguished member of the legal profession in Arizona for nearly 50 years.

During that time, he held numerous public positions at the local, State, and Federal levels which culminated with his appointment as the chief judge for the District of Arizona by President Truman in 1961.

Less recognized than his professional accomplishments, but far more important, were the human qualities extolled by Judge Walsh.

He valued hard work, human understanding, and devotion, and these virtues became a powerful influence in the lives of many people.

No books or other forms of publicity can adequately portray Judge Walsh's unselfish dedication and service to the citizens of Arizona and the Nation.

I believe it is a fitting tribute that the U.S. courthouse in Tucson be named in honor of Judge James A. Walsh.

Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 2698, a bill designating that the U.S. courthouse in Tucson, AZ, be

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

known as the "James A. Walsh United States Courthouse."

Mr. Speaker, James A. Walsh, born September 17, 1906, in Massachusetts, attended St. Anselm's College in Manchester, NH, and received his law degree from Georgetown University in 1928. He was admitted to practice in the District of Columbia and Arizona and opened a law office in Mesa in 1928 where he practiced until 1941.

Judge Walsh has proven himself a master in the legal profession. He held a number of public positions which included serving as city attorney of Mesa, administrative assistant to U.S. Senator Ernest McFarland, assistant U.S. attorney, Maricopa County attorney, and judge of the superior court in Phoenix. In 1947, he left the bench to join one of Arizona's leading law firms, now known as Snell & Wilmer. In 1951-52, he was chief counsel to the Arizona Code Commission which completely revised the statutory law of Arizona.

In 1952, President Harry S. Truman appointed Judge Walsh to the U.S. district court and he primarily sat in Tucson, AZ. He was appointed chief judge for the District of Arizona in 1961 and served in that capacity until 1973. Totally dedicated to the field of law, he carried a full workload until his retirement on September 1, 1981.

Less publicly noticed, but far more important than these formal accomplishments, are the human qualities that have enriched all those who have known him. Judge Walsh is recognized throughout the Federal judiciary as one of the finest trial judges in the United States. He has set an example for all Federal and State judges to follow due to his calm, judicious temperament. His diligence and impartiality in carrying out the duties of his office have earned him the respect of all who have appeared in his court.

Countless lawyers, both in Arizona and throughout the West, have learned from him the high values to be placed on hard work, thorough preparation, and the civility with which the work of lawyers and judges should be conducted.

It is fitting that the University of Arizona recognize the rich lifetime of service of this truly dedicated public servant by conferring on him the honorary degree of doctor of laws.

Judge Walsh dedicated his life to the law and touched the lives of many young lawyers. Honoring Judge James A. Walsh, by naming the U.S. courthouse in Tucson, AZ, as the "James A. Walsh United States Courthouse" is most fitting and appropriate.

Mr. GRAY of Illinois. Mr. Speaker, H.R. 2698 would designate that the U.S. courthouse in Tucson, AZ, be known as the "James A. Walsh United States Courthouse." Briefly, Mr. Speaker, Judge Walsh was appointed to the U.S. district court by President Harry S. Truman in 1952 and sat primarily in Tucson, AZ, since that date. In 1961, Judge Walsh became chief judge for the District of Arizona and served in that capacity until 1973. He continued to carry a full workload until his retirement on September 1, 1981. No books or other forms of

publicity extoll the virtues of this truly modest and wise man who devoted his life to the law. The example he has set of human understanding and devotion to the rule of the law has been a powerful influence in the lives of many people, and particularly in the lives of the young lawyers he has touched. Mr. Speaker, naming this building in Judge Walsh's honor is a modest tribute in view of what he has given to the Nation as a whole.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LAKE SUPERIOR BAND OF CHIPPEWA INDIANS IN MINNESOTA DISTRIBUTION OF JUDGMENT FUNDS ACT

The Clerk called the bill (H.R. 1903) to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to members of the Lake Superior Band of Chippewa Indians who are members of the Minnesota Chippewa Tribe in dockets numbered 18-S and 18-U before the Indian Claims Commission, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 1903

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Superior Band of Chippewa Indians in Minnesota Distribution of Judgment Funds Act".

##### SEC. 2. ABROGATION OF ANY PRIOR PLAN TO THE EXTENT SUCH PLAN RELATED TO MEMBERS OF THE LAKE SUPERIOR BAND OF CHIPPEWA INDIANS WHO ARE MEMBERS OF THE MINNESOTA CHIPPEWA TRIBE.

(a) PLAN FOR DISTRIBUTION FOR MEMBERS OF BAND WHO ARE ENROLLED IN THE MINNESOTA CHIPPEWA TRIBE.—Notwithstanding the Act entitled "An Act to provide for the use and distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the United States Court of Claims, for other purposes," and approved October 19, 1973 (25 U.S.C. 1401 et seq.) or any plan prepared or regulation promulgated by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") pursuant to such Act, that portion of the judgment funds described in subsection (b) which were awarded for the benefit of the members of Lake Superior Band of Chippewa Indians who are enrolled in the Minnesota Chippewa Tribe shall be distributed and used in the manner provided in this Act.

(b) JUDGMENT FUNDS DEFINED.—The judgment funds referred to in subsection (a) are—

(1) the funds consisting of—  
(A) two-thirds of the amount appropriated in satisfaction of judgment awarded the Lake Superior and Mississippi Bands of Chippewa Indians in Docket Numbered 18-S before the Indian Claims Commission, and

(B) the amount appropriated in satisfaction of judgment awarded the Lake Superior Band of Chippewa Indians in Docket

Numbered 18-U before the Indian Claims Commission,

(other than funds appropriated for the payment of attorney fees or litigation expenses) which are held in trust by the Secretary for the use and benefit of such Bands of Chippewa Indians, and

(2) the amount of any interest or investment income accrued or accruing (on or before any distribution by the Secretary under this Act) on such funds.

##### SEC. 3. DIVISION AND DISTRIBUTION OF FUNDS AMONG RESERVATION COMMUNITY GROUPS.

(a) DIVISION AMONG RESERVATION COMMUNITY GROUPS IN MINNESOTA.—The Secretary shall divide the funds referred to in section 2(a) among the community groups of the Lake Superior Band of Chippewa Indians affiliated with the reservations in the State of Minnesota which appear in the following list by multiplying the amount described in section 2(b) by the fraction appearing in the list in connection with each such group:

- (1) Fond du Lac Reservation, 1,346/8,437;
- (2) Grand Portage Reservation, 387/8,437;
- (3) Nett Lake Reservation (including Vermillion Lake and Deer Creek (Bois Forte Band)), 704/8,437; and
- (4) White Earth Reservation, 148/8,437.

##### (b) DISTRIBUTION OF FUNDS.—

(1) 20 PERCENT DISTRIBUTED TO EACH COMMUNITY GROUP FOR USE AT THE GROUP LEVEL.—Of the amount determined under subsection (a) for each reservation community group described in such subsection, 20 percent of such amount shall be made available to the appropriate governing body of such group for expenditure for programs approved by the Secretary.

(2) 80 PERCENT DISTRIBUTED PER CAPITA.—Of the amount determined under subsection (a) for each reservation community group described in such subsection, 80 percent of such amount shall be distributed in amounts as equal as possible to enrolled members of the Minnesota Chippewa Tribe who—

(A) are designated as members of the Lake Superior Band of Chippewa Indians and are affiliated with such group, and

(B) were born on or before the date of the enactment of this Act and are living on such date.

(3) PROCEDURES FOR PER CAPITA DISTRIBUTION.—The amount determined under paragraph (2) for each individual described in such paragraph shall be paid or distributed as follows:

(A) LIVING COMPETENT ADULTS.—If the individual is a living competent adult, the amount so determined shall be paid directly to such individual.

(B) LIVING MINOR CHILDREN AND LEGALLY INCOMPETENT ADULTS.—If the individual is a living minor child or legally incompetent adult, the amount so determined shall be treated in the same manner as any trust property of such individual is treated.

(C) DECEASED INDIVIDUALS.—If the individual is deceased at the time of distribution, the amount so determined shall be treated in the same manner as any trust property of such individual would be treated if such individual died intestate.

(c) TAX TREATMENT OF DISTRIBUTIONS.—No amount of any payment or distribution under this section shall be included in gross income of the payee or distributee for purposes of any Federal or State income tax. Payments or distributions may not be considered as income or resources or otherwise used as the basis for denying or reducing—



(1) any financial assistance or other benefit to which any individual described in paragraph (2), or the household of any individual, is otherwise entitled, or for which such individual or household is otherwise eligible, under the Social Security Act, or

(2) any other financial assistance, Federal benefit, or benefit under any program part or all of the funding for which is provided by the Federal Government to which such individual or household is otherwise entitled or for which such individual or household is otherwise eligible.

(d) SAVINGS CLAUSE.—No provision of section 2 or this section shall be construed as affecting the use or distribution of any funds described in section 2(b) which are not subject to this section.

#### SEC. 4. MEMBERSHIP ROLLS REQUIRED TO BE BROUGHT UP TO DATE.

Before the end of the -month period beginning on the date of the enactment of this Act, the roll of members of the Lake Superior Band of Chippewas who are members of the Minnesota Chippewa Tribe shall be made current under procedures adopted by such Tribe and approved by the Secretary.

With the following committee amendment:

Strike all after the enacting clause and insert:

SECTION. 1. Notwithstanding any other provision of law, the funds appropriated for the following Indian Claims Commission judgments awards (less attorney fees and litigation expense and plus all investment income and interest accrued) shall be used and distributed under this Act:

(1) Docket 18-S for the Chippewas of Lake Superior;

(2) Docket 18-U for the Chippewas of Lake Superior; and

(3) Dockets 18-C and 18-T funds apportioned to the Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin, the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, the Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians, and the St. Croix Chippewa Indians of Wisconsin.

SEC. 2. (a) DIVISION OF DOCKET 18-S.—The Secretary of the Interior shall divide the amount for Docket 18-S with two-thirds of the funds for the Chippewas of Lake Superior and one-third for the Chippewas of the Mississippi.

(b) The respective shares of the Chippewas of Lake Superior in Docket 18-S shall be divided as follows:

(1) Bad River Reservation, Wisconsin, 1259/8437;

(2) Lac du Flambeau Reservation, Wisconsin, 832/8437;

(3) Lac Courte Oreilles Reservation, Wisconsin, 1,691/8437;

(4) Sokaogon Chippewa Community (Mole Lake Band), Wisconsin 187/8437;

(5) Red Cliff Reservation, Wisconsin, 645/8437;

(6) St. Croix Reservation, Wisconsin, 299/8437;

(7) Keweenaw Bay Indian Community (L'Anse, Lac Vieux Desert, and Ontonagon Bands), Michigan, 939/8437;

(8) Fond du Lac Reservation, Minnesota 1346/8437;

(9) Grand Portage Reservation, Minnesota 387/8437;

(10) Nett Lake Reservation (including Vermillion Lake and Deer Creek), Minnesota 704/8437; and

(11) White Earth Reservation, Minnesota 148/8437.

SEC. 3. DIVISION OF DOCKET 18-U.—The Secretary shall divide the amount for Docket 18-U funds among the reservations or communities and in the same proportions as in section 2(b) of this Act.

SEC. 4. USE OF THE FUNDS IN DOCKETS 18-S AND 18-U.—Until part or all of them are needed for use or distribution under a plan of the governing body of the reservation or community that has been approved by the Secretary, the Secretary shall continue to hold in trust in separate accounts and invested under section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) the funds under sections 2 and 3 of this Act apportioned to each of the following:

(1) the Lac Courte Oreilles Reservation, Wisconsin;

(2) the Bad River Reservation; and

(3) the Sokaogon Chippewa Community (Mole Lake Band).

(b) The apportioned share of the funds under sections 2 and 3 of this Act of each reservation or community, except those in subsection (a) of this section, shall be used as follows:

(1) Eighty percent of each reservation's share (fifty percent of the Keweenaw Bay Indian Community) shall be held and administered by the Secretary for per capita distribution and the sums (including the investment income accrued) shall be distributed in a sum as nearly equal as possible for each individual born on or prior to and living on the date of enactment of this Act who is enrolled in the respective tribal membership roll brought current to such date of enactment under tribal enrollment procedures.

(2) Twenty percent of each reservation's share (fifty percent in the Keweenaw Bay Indian Community) shall be held in trust in separate accounts for the tribal organization of the reservation and invested by the Secretary under the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) until needed for use or distribution under the tribe's plan approved by the Secretary.

(3) The per capita distributions under this subsection from funds apportioned to reservations or communities of the Minnesota Chippewa Tribe shall only be made to those individuals enrolled with the historical band designation for which the award was made. Plans submitted by two or more of the reservation business committees of the Minnesota Chippewa Tribe may include joint investment and use programs.

SEC. 5. DIVISION OF DOCKETS 18-C AND 18-T.—Notwithstanding another law, the previously apportioned shares of the funds awarded by the Indian Claims Commission in Dockets 18-C and 18-T shall be distributed and used as follows:

(a)(1) Until part or all of them are needed for use or distribution under a tribe's plan approved by the Secretary, the Secretary shall continue to hold in trust in separate accounts and invested under section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) the funds under this section apportioned to each of the following tribes:

(A) the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin;

(B) the Bad River Band of Lake Superior Tribe of Chippewa Indians of the Bad River Reservation; and

(C) the Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians.

(2) If a tribe's plan under this subsection provides for a per capita distribution, the

Secretary shall pay a per capita share to each individual born on or prior to and living on the date of the Secretary's approval of the plan and who is enrolled on the respective tribal membership roll brought current to such approval date under tribal enrollment procedures.

(b) Funds apportioned to the St. Croix Chippewa Indians shall be used as follows:

(1) Eighty percent shall be distributed by the Secretary in a sum as equal as possible to each individual born on or prior to and living on the date of enactment of this Act and who is enrolled in the tribe's roll brought current to such date of enactment under tribal enrollment procedures.

(2) Twenty percent shall be used in a land purchase or interest in land for the benefit of the four tribal communities. These funds shall continue to be held and invested by the Secretary under section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) until the tribal governing body develops specific program plans and tribal budgets, which shall be subject to approval by the Secretary.

SEC. 6. MISCELLANEOUS.—The per capita shares under this Act of competent adults shall be paid directly to them. The per capita shares under this Act of deceased individual beneficiaries, legal incompetents, and minors shall be determined and distributed under regulations prescribed by the Secretary which are generally applicable to funds distributed under the Act of October 19, 1973 (87 Stat. 466), as amended (25 U.S.C. 1401 et seq.).

(b) None of the funds distributed per capita or held in trust shall be subject to Federal or State income taxes or be considered as income or resources in determining the extent of eligibility for assistance under the Social Security Act or other Federal Assistance programs.

(c) Amounts remaining after per capita payments under this Act shall revert to the governing body of the respective tribals group for program purposes approved by the Secretary.

(d) No person shall be entitled to receive under this Act more than one per capita share from the same docket award.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the use and distribution of funds appropriated in satisfaction of judgment awarded to the Chippewas of Lake Superior in Dockets Numbered 18-S, 18-U, 18-C and 18-T before the Indian Claims Commission, and for other purposes."

A motion to reconsider was laid on the table.

#### MISSISSIPPI BAND OF CHIPPEWA INDIANS IN MINNESOTA DISTRIBUTION OF JUDGMENT FUNDS ACT

The Clerk called the bill (H.R. 1904), to provide for the use and distribution of funds appropriated in satisfaction of judgment awarded to members of the Mississippi Band of Chippewa Indians who are members of the Minnesota Chippewa Tribe in Docket Num-

bered 18-S before the Indian Claims Commission, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 1904

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Band of Chippewa Indians in Minnesota Distribution of Judgment Funds Act".

#### SEC. 2. ABROGATION OF ANY PRIOR PLAN TO THE EXTENT SUCH PLAN RELATED TO MEMBERS OF THE MISSISSIPPI BAND OF CHIPPEWA INDIANS WHO ARE MEMBERS OF THE MINNESOTA CHIPPEWA TRIBE.

(a) **PLAN FOR DISTRIBUTION FOR MEMBERS OF BAND WHO ARE ENROLLED IN THE MINNESOTA CHIPPEWA TRIBE.**—Notwithstanding the Act entitled "An Act to provide for the use and distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the United States Court of Claims, and for other purposes," and approved October 19, 1973 (25 U.S.C. 1401 et seq.) or any plan prepared or regulation promulgated by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") pursuant to such Act, the judgment funds described in subsection (b) shall be used and distributed in the manner provided in this Act.

(b) **JUDGMENT FUNDS DEFINED.**—The judgment funds referred to in subsection (a) are—

(1) the funds consisting of one-third of the amount appropriated in satisfaction of judgment awarded the Lake Superior and Mississippi Bands of Chippewa Indians in Docket Numbered 18-S before the Indian Claims Commission (other than funds appropriated for the payment of attorney fees or litigation expenses) which are held in trust by the Secretary for the use and benefit of such Bands of Chippewa Indians, and

(2) the amount of any interest or investment income accrued or accruing (on or before any distribution by the Secretary under this Act) on such funds.

#### SEC. 3. DIVISION AND DISTRIBUTION OF FUNDS AMONG RESERVATION COMMUNITY GROUPS.

(a) **DIVISION AMONG RESERVATION COMMUNITY GROUPS IN MINNESOTA.**—The Secretary shall divide the funds described in section 2(b) among the community groups of the Mississippi Band of Chippewa Indians affiliated with the reservations in the State of Minnesota which appear in the following list by multiplying such amount by the fraction appearing in the list in connection with each such group:

(1) Mille Lacs Reservation, 569/7,624;

(2) White Earth Reservation, 6,431/7,624; and

(3) Leech Lake Reservation, 624/7,624.

#### (b) DISTRIBUTION OF FUNDS.—

(1) **20 PERCENT DISTRIBUTED TO EACH COMMUNITY GROUP FOR USE AT THE GROUP LEVEL.**—Of the amount determined under subsection (a) for each reservation community group described in such subsection, 20 percent of such amount shall be made available to the appropriate governing body of such group for expenditure for programs approved by the Secretary.

(2) **80 PERCENT DISTRIBUTED PER CAPITA.**—Of the amount determined under subsection (a) for each reservation community group described in such subsection, 80 percent of such amount shall be distributed in amounts as equal as possible to enrolled

members of the Minnesota Chippewa Tribe who—

(A) are designated as members of the Mississippi Band of Chippewa Indians and are affiliated with such group, and

(B) were born on or before the date of the enactment of this Act and are living on such date.

(3) **PROCEDURES FOR PER CAPITA DISTRIBUTION.**—The amount determined under paragraph (2) for each individual described in such paragraph shall be paid or distributed as follows:

(A) **LIVING COMPETENT ADULTS.**—If the individual is a living competent adult, the amount so determined shall be paid directly to such individual.

(B) **LIVING MINOR CHILDREN AND LEGALLY INCOMPETENT ADULTS.**—If the individual is a living minor child or legally incompetent adult, the amount so determined shall be treated in the same manner as any trust property of such individual is treated.

(C) **DECEASED INDIVIDUALS.**—If the individual is deceased at the time of distribution, the amount so determined shall be treated in the same manner as any trust property of such individual would be treated if such individual died intestate.

(c) **TAX TREATMENT OF DISTRIBUTIONS.**—No amount of any payment or distribution under this section shall be included in gross income of the payee or distributee for purposes of any Federal or State income tax. Payments or distributions may not be considered as income or resources or otherwise used as the basis for denying or reducing—

(1) any financial assistance or other benefit to which any individual described in paragraph (2), or the household of any such individual, is otherwise entitled, or for which such individual or household is otherwise eligible, under the Social Security Act, or

(2) any other financial assistance, Federal benefit, or benefit under any program part or all of the funding for which is provided by the Federal Government to which such individual or household is otherwise entitled or for which such individual or household is otherwise eligible.

#### SEC. 4. MEMBERSHIP ROLLS REQUIRED TO BE BROUGHT UP TO DATE.

Before the end of the -month period beginning on the date of the enactment of this Act, the roll of members of the Mississippi Band of Chippewas who are members of the Minnesota Chippewa Tribe shall be made current under procedures adopted by such Tribe approved by the Secretary.

With the following committee amendment:

Strike all after the enacting clause and insert:

Section. 1. Notwithstanding any other provision of law, the funds appropriated for the Indian Claims Commission judgment awards in Docket 18-S for the Chippewas of the Mississippi (less attorney fees and litigation expense and plus all investment income and interest accrued) shall be used and distributed under this Act.

SEC. 2. The Secretary of the Interior shall divide the amount for Docket 18-S with two-thirds of the funds for the Chippewas of Lake Superior and one-third for the Chippewas of the Mississippi. The respective shares of the Mississippi Band in Docket 18-S shall be divided by reservation affiliation as follows:

(1) Mille Lac Reservation, Minnesota 569/7,624;

(2) White Earth Reservation, Minnesota 6,431/7,624; and

(3) Leech Lake Reservation, Minnesota 624/7,624.

SEC. 3. The apportioned shares of funds under section 2 of this Act of each reservation or community shall be used as follows:

(1) Eighty percent of each reservation's share shall be held and administered by the Secretary for per capita distribution and the sums (including the investment income accrued) shall be distributed in a sum as nearly equal as possible for each individual born on or prior to and living on the date of enactment of this Act who is enrolled on the respective tribal membership roll brought current to such date of enactment under tribal enrollment procedures.

(2) Twenty percent of each reservation's share shall be held in trust in separate accounts for the tribal organization of the reservation and invested by the Secretary under the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) until needed for use or distribution under the tribe's plan approved by the Secretary.

(3) The per capita distributions under this section from funds apportioned to reservations or communities of the Minnesota Chippewa Tribe shall only be made to those individuals enrolled with the historical band designation for which the award was made. Plans submitted by two or more of the reservation business committees of the Minnesota Chippewa Tribe may include joint investment and use programs.

SEC. 4. (a) **MISCELLANEOUS.**—The per capita shares under this Act of competent adults shall be paid directly to them. The per capita shares under this Act of deceased individual beneficiaries, legal incompetents, and minors shall be determined and distributed under regulations prescribed by the Secretary which are generally applicable to funds distributed under the Act of October 19, 1973 (87 Stat. 466), as amended (25 U.S.C. 1401 et seq.).

(b) None of the funds distributed per capita or held in trust shall be subject to Federal or State income taxes or be considered as income or resources in determining the extent of eligibility for assistance under the Social Security Act or other Federal assistance programs.

(c) Amounts remaining after per capita payments under this Act shall revert to the governing body of the respective tribal group for program purposes approved by the Secretary.

(d) No person shall be entitled to receive under this Act more than one per capita share from the same Docket award.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of the Mississippi in Docket Numbered 18-S before the Indian Claims Commission and for other purposes."

A motion to reconsider was laid on the table.



# TRANSFER TO COLVILLE BUSINESS COUNCIL OF AMOUNTS AWARDED THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

The Clerk called the bill (H.R. 2174), to provide for the transfer to the Colville Business Council of any undistributed portion of amounts appropriated in satisfaction of certain judgments awarded the Confederated Tribes of the Colville Reservation before the Indian Claims Commission.

There being no objection, the Clerk read the bill as follows:

H.R. 2174

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. TRANSFER OF CERTAIN UNDISTRIBUTED JUDGMENT FUNDS TO THE COLVILLE BUSINESS COUNCIL.

(a) TRANSFER OF UNDISTRIBUTED AMOUNTS TO GOVERNING BODY OF THE TRIBE.—Notwithstanding the Act entitled "An Act to provide for the use and distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the United States Court of Claims, and for other purposes," and approved October 19, 1973 (25 U.S.C. 1401 et seq.) or any plan prepared or regulation promulgated by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") pursuant to such Act, any portion of the funds appropriated in satisfaction of judgments awarded the Confederated Tribes of the Colville Reservation (hereinafter in this section referred to as the "Tribe") in Dockets Numbered 161, 222, and 224 before the Indian Claims Commission which, on the date of the enactment of this Act, is held in trust by the Secretary for the benefit of the Tribe shall be transferred by the Secretary to the Colville Business Council.

(b) TRANSFER OF INTEREST, ETC., ACCURED ON FUNDS.—Any amount held by the Secretary on the date of the transfer required under subsection (a) which is attributable to interest or investment income accrued or accruing on the funds described in such subsection on or before such date shall be transferred by the Secretary to the Colville Business Council.

(c) USE OF TRANSFERRED FUNDS AUTHORIZED FOR TRIBAL PURPOSES.—Amounts transferred under subsection (a) shall be used for purposes which—

(1) the Colville Business Council determines benefit the Tribe, and

(2) the Secretary of the Interior approves.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the eligible bills on the Consent Calendar.

## GENERAL LEAVE

Mr. GORDON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## A LESSON FOR US ALL

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Georgia. Mr. Speaker, last Wednesday the entertainment industry lost one of its finest stars when Rock Hudson finally lost his battle to AIDS. I speak briefly here today about a lesson that we all can learn from Mr. Hudson's struggle these last months. During this time, he was able to accept the nature of his disease and its inevitable outcome.

Rather than clinging to false hope and enduring unnecessary hospital procedures, he spent his last days in peace in his own home with the support of his friends. We should all learn that modern medicine and the high technology available in hospitals cannot cure every disease. In the case of terminal diseases, the best place for the care of the dying patient may be in the bosom of his family at home. Rather than being subjected to institutional care, these patients need to feel the love and affection of friends and family in familiar surroundings, as they pass through this final phase of life. I believe that humans do not fear death, but rather fear the process of dying, which is an unknown experience.

Rock Hudson's ability to deal with his death should be one lesson we learn from his life.

## IN SUPPORT OF BALANCED BUDGET LEGISLATION

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise to express my strong support of the Balanced Budget and Emergency Deficit Control Act of 1985, being introduced today by the gentleman from Florida.

I am pleased to be a cosponsor of this important legislation.

I have long maintained that the responsible way to reduce our Federal deficits was to establish deficit reduction targets over a 5-year period, leading to a balanced budget.

In fact, earlier this year, I introduced a balanced budget amendment with similar phase-in provisions.

My bill, House Joint Resolution 267, waives balanced budget requirements in times of war or national emergency. But it also allows for re-implementation of the phase-in, should we emerge from such a situation with another deficit.

But for the moment, I would rather focus in on the similarities between House Joint Resolution 267, and the

bill being introduced today. Both contain important phase-in provisions.

We all know that the budget can't be balanced in 1 or 2 years. That would require either the gutting of even the most worthy programs, or a major tax increase—or both.

But we can set a course to follow which, over 5 years, will lead us to a balanced budget. The emergency deficit control act sets that course.

It is bipartisan legislation which deserves the attention and support of everyone in this body.

## BALANCING THE BUDGET

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, a proposal to balance the budget by 1991 has been subject to much debate in the other body over the weekend. The proposal is expected to be added as an amendment to the debt ceiling bill.

The plan would require the President and the Congress to keep their budgets within fixed amounts aimed at eliminating the deficit by 1991. If the joint effort fails, the President would be required to make across-the-board cuts to bring spending within fixed limits.

Authority for the President to make cuts in annual adjustments from benefit entitlement programs would exclude Social Security benefits, but no others.

If any balanced budget plan is to succeed, Mr. Speaker, no program can be exempt from cuts that may have to be made. All benefit programs must be treated equally. I'm not opposed to making an exception for Social Security beneficiaries, but if we do, we will have to make an exception for veterans as well.

Are we going to exclude any entitlement program and cut benefits for veterans who receive compensation for loss of limbs in World War II or who are paralyzed from the neck down because of gunshot wounds from service in Vietnam? I think not. I urge the leadership of the House to make certain that the proposal developed in this body does not attempt to balance the budget on the backs of our service-connected veterans. Veterans are willing to assume their share of the burden as long as it is placed equally upon all Federal programs and beneficiaries.

As one who has long advocated a balanced budget, I will support the House leadership's effort to help bring about a balanced budget, but my colleagues should know that the Senate proposal would treat veterans unfairly.

According to the Congressional Budget Office, if the proposal in the

Senate were implemented in fiscal year 1986, all 2.2 million veterans and all 300,000 of their survivors would lose at least 3 percent of their compensation and DIC benefits. By 1991, they would lose more than 20 percent of their benefits.

The Senate proposal would affect pension payments to needy, elderly, and disabled veterans and their survivors. All 676,000 veterans drawing compensation and all 71,000 of their survivors would be adversely affected.

Finally, Mr. Speaker, the veterans medical care program and its medical research program would suffer a severe cut—\$320 million in medical care would be lost in the first year. Most of this cut would come from a reduction of medical personnel staff in VA hospitals and nursing homes. Again, accordingly to the Congressional Budget Office, a cut of this magnitude could mean a loss of 11,000 personnel in the first year in which the proposal is implemented. This would be 23 percent of all doctors, nurses, psychologists, and dentists now employed in the VA medical program.

Mr. Speaker, authors of the amendment in the other body should not put the Congress in the position of giving any group of individuals a higher priority than America's veterans. The Vietnam war ended a little more than 10 years ago. How quickly some people forget.

#### SAME OLD FARM BILL—NEW GIFT WRAPPING

(Mr. DAUB asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. DAUB. Mr. Speaker today we are scheduled to cast a vote on final passage of the farm bill. The last time we did that was my first year in the House of Representatives. Unfortunately, the 1985 bill looks like a rerun of the 1981 bill.

What we have is the same old bill in new gift wrapping.

The 1981 bill with its rigid loan rate structure made mounting surpluses almost a certainty. It told our competitors in advance how much to plant and how much of our markets they can take. As a result, exports have fallen and the American farmer is swimming in a sea of grain.

Argentina, Paraguay, and Uruguay have 215 million acres of very fertile soil which are as yet unplowed. This is nearly half of all cropland in the United States. The bill we have before us is a signal to those countries to start up their plows.

We can't take much more of this kind of policy. An amendment I supported would have moved exports with competitive prices and targeted benefits to medium family farmers. Unfortunately it was rejected.

Failing a sensible farm bill, perhaps the most important vote for the farmer will be on the emergency deficit control of 1985 which I am introducing today with 97 of my colleagues. It mandates a balanced budget in 5 years. Substantially reduced spending will mean declining interest rates and a more realistic dollar value. The sooner we get spending under control, the sooner the farmer will see his commodities become more competitive overseas, his cost of production drop and the farm economy improve.

□ 1215

#### TINKER BELL TO THE RESCUE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, over the weekend the chairman of the House Armed Services Committee released a study showing that despite \$1 trillion in defense spending in the past few years there has been little gain in military capability. In some areas, we have even declined.

At the same time, there is a proposal afoot to mandate a balanced budget via the debt ceiling resolution. The mandate would exclude, among other things, 40 percent of the defense budget. Some mandate.

We spend \$1 trillion on defense and have nothing to show for it. Then we are told we will balance the budget by exempting defense. I don't know whether this is "Peter Pan" or "Alice in Wonderland." I do know it's not the real world.

Yesterday the Denver Post described this balanced budget mandate as "the phoniest of this year's attempts to distract from the truth."

Amen.

#### GENERAL LEAVE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2698, the first bill on the Consent Calendar which was just passed.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### CANADA TRADE TALKS

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, recently, Canadian Prime Minister Brian Mulroney announced his Government's decision to enter bilateral trade negotiations with the United States

seeking "the broadest possible package on mutually beneficial reductions in tariff and nontariff barriers between the two countries."

I salute this action as an exemplary example of the ability of countries to work together to solve the trading problems of North America. The United States-Canada trading relationship is the largest in the world. Last year, the two-way trade totaled more than \$120 billion, with Canada enjoying a surplus of roughly \$16 billion on a balance-of-payments basis. Canada accounts for more than 21 percent of all United States exports, while we take some three-quarters of Canadian exports.

I recently traveled to Toronto with the Steel Caucus to discuss United States-Canadian trade imbalances and various inequities in our trading relationship. Among other points brought out at these meetings was the disparity in the tariff levels for United States and Canadian steel exports to the neighbor country.

It was also made clear in our meetings that Canada and the United States share additional problems in the trading arena. Solutions to these problems should be a joint effort between our countries. As Prime Minister Mulroney stated, "We need a better, a fairer and a more predictable trade relationship" between our countries. I applaud his decision to voluntarily enter these trade talks and ask my colleagues and the administration to support Canada's action in a spirit of partnership and cooperation.

#### A TRIBUTE TO COACH EDDIE ROBINSON

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, with less fanfare than was deserved, a sports milestone was passed Saturday at the Cotton Bowl when Coach Eddie Robinson's Grambling State University beat Prairie View A&M University 27 to 7. Pro football greats Willie Davis and Willie Brown members of the Hall of Fame, were on the sidelines to see it happen. So was Tank Younger, the first pro football player from a black school. Coach Robinson once coached them as he has coached more than 200 players who have gone on to pro football. Saturday night was the 324th time Eddie Robinson had coached Grambling State to victory. That makes Eddie Robinson the winningest coach in the history of football.

The win came too late at night for Eddie to receive an immediate congratulatory call from the President. That came Sunday. But Eddie probably was just as happy. He had a 4-hour bus



ride back to Grambling State ahead of him that evening, and he had to start planning for the upcoming game against Tennessee State.

Coach Robinson is a humble man. And characteristically he apologized to his team for becoming the center of attention. Of his Bear Bryant-surpassing 324th win he said, "That's not the record. Forty-four years at the same school, one job and one wife, that's the record." Coach Robinson, you are a record breaker in anyone's book. My friend Representative HAYES and I know that all our colleagues in the Congress join us in congratulating you on your spectacular accomplishment. May the next 44 years be as winning as the last 44.

#### EMERGENCY DEFICIT CONTROL ACT OF 1985

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, there isn't a man or woman in this body who isn't committed to reducing the deficit, yet year after year out failure to come to terms with this problem adds to the unconscionable debt we are leaving to future generations.

Clearly, something must be done.

Clearly, business-as-usual isn't going to solve the problem.

That's why I've joined with a number of our colleagues in supporting a measure that would create a framework that will get the job done. Unlike many budget balancing proposals, this one has teeth in it.

The Emergency Deficit Control Act of 1985 would trigger mandatory across-the-board spending reductions if the President and the Congress fail to bring down spending.

It's simple; it's honest and it will do the job.

Mr. Speaker, we owe it to our constituents, and more importantly to our children and grandchildren, to enact the Emergency Deficit Control Act and to get our Nation's financial affairs in order.

#### FOOD IRRADIATION

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, to help eliminate world hunger, and for a variety of other benefits nationally and internationally, I have been proud on past occasions to cosponsor with several of my colleagues proposed legislation supporting the development of beneficial commercial application of food irradiation to extend the shelf life of foods. This process will avoid any need to use potentially harmful fumigants, will destroy damaging insects, and kill undesirable organisms such as trichinae in

pork which cause the disease trichinosis in humans.

H.R. 696, introduced in January 24 of this year, was the most recent bill I cosponsored on this subject.

Last Thursday, I introduced H.R. 3504, a somewhat revised version of H.R. 696, which contains several minor revisions and two substantive changes to H.R. 696 that I believe contribute to the principal objectives of that bill. One significant change is the elimination of the concept of establishing a new Commission within the Department of Agriculture. The bill I introduced last Thursday, H.R. 3504, does not disturb the authorities and functions now in the various Federal agencies that presently have responsibilities in this field; instead, the bill would expressly assign a coordinate role of the Subcommittee on Interagency Radiation Research and Policy Coordination of the Federal Coordinating Council for Science, Engineering, and Technology—an entity already in existence pursuant to applicable law.

The second significant change would leave undisturbed the balancing of criteria for fixing charges for byproduct material, which has been in effect since the 1954 Atomic Energy Act. Section 81 of that act provides in effect that for byproduct material distributed by DOE for a charge, the prices shall be established on such equitable basis as, in DOE's opinion: First, will provide reasonable compensation for such material; Second, will not discourage the use of such material or the development of sources of supply of such material independent of DOE; and third, will encourage research and development.

As in the case of H.R. 696, this legislative measure is long overdue. Over the past 40 years, food irradiation has been studied more carefully than any other food preservation method. Many other countries are already using the irradiation technique, by research in this country. We need to move forward with the precedent measures espoused in this bill.

#### THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

(Mr. BOULTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOULTER. Mr. Speaker, last Tuesday the United States passed another milestone, and it was a milestone we would all rather have avoided. Last Tuesday, at 12:01 a.m. fiscal year 1986 began with an inexcusable \$2 trillion plus national debt.

Mr. Speaker, we have heard on this floor speech after speech after speech on the need to reduce the deficit, and balance the books. I think we all agree. No one, to my knowledge, supports an unbalanced budget.

But what, after all this jabber, has actually been done? Very very little. Until now. Now, we finally have the opportunity, spelled out in detail, to

adopt a simple piece of legislation that will provide our Nation with what it wants, and desperately needs—a balanced budget by 1991. The Balanced Budget and Emergency Deficit Control Act of 1985 will do that.

There is no excuse, that I can see, for any Member of this body not to support this legislation. It is clear, to the point, and result-oriented. Beyond the rhetoric, beyond the lipservice, and beyond the political mudslinging involved in the budget debate—this legislation is real. It will provide long-term stability to financial markets, help reduce our swollen trade deficit, and allow the American people and our children the economic opportunities they deserve. I urge my colleagues to support this landmark legislation and am proud to be an original cosponsor.

#### SENATE BUDGET PLAN FLAWED

(Mr. APPELATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPELATE. Mr. Speaker, according to Sunday's CONGRESSIONAL RECORD, the other body is considering a proposal to balance the Federal budget by 1991 by adding an amendment to the debt ceiling bill. The CONGRESSIONAL RECORD reports the amendment being offered would cut veterans' compensation and pension by more than 20 percent by 1991 as well as 23 percent of all doctors, nurses, and dentists now in the VA medical care system.

As chairman of the Subcommittee on Compensation, Pension and Insurance of the Veterans, Affairs, Committee, I feel obligated to let my colleagues know about this.

Social Security would get COLA's and disabled veterans would not. Don't the men who fought our wars deserve the same consideration as citizens who earned Social Security? I want you to know that if this happens, every dollar of Social Security increase a veteran or widow pensioner gets will be taken out of his VA pension.

Remember before 1979 how we each got thousands of letters complaining that what the Government gives with one hand in Social Security, it takes away with the other hand from VA pension? We changed the law so that Social Security COLA's would not cost a disabled veteran. Now the other body may propose going back to cutting veterans checks when they get a Social Security increase.

In the interest of fairness, we must deal with our citizens on an even-handed basis. What's fair for social security is fair for veterans. Give one a COLA, give the other a COLA. Deny one a COLA, deny the other, also.

I make these comments so that you will know and understand what would happen to veterans if their payments are capped but give full COLA's to Social Security. We will have some hard choices in dealing with the budget. I just hope when we make those choices, we do so knowing what the results will be. I am not willing to balance the budget on the backs of our disabled veterans.

#### LET US HEED THE WORDS OF CICERO, THE PROPHET

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, I rise today in support of the Balanced Budget and Emergency Deficit Control Act of 1985. Cicero reportedly addressed the Roman Senate just before the fall of Rome with these words of admonition:

The budget should be balanced, the treasury should be replenished, the public debt should be reduced, the arrogance of the governors should be tempered and controlled, foreign aid should be restrained lest the threat of falling into bankruptcy, the populace should be obliged to work and not depend on the government for its sustenance.

These words were prophetic, and they are equally prophetic nearly 2,000 years after they were spoken.

The necessary ingredient that must be identified and exercised, Mr. Speaker, is discipline. This is the ship that can take us past the reefs and the shoals of reckless and fiscal irresponsibility.

Are we disciplined enough to climb aboard?

I thank the Speaker.

#### LET US CONSTRAIN OURSELVES, NOT BLAME OTHERS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, \$2 trillion is a trivial sum. I am sure that the Congress of the United States, if it really tried, could raise that national debt to \$3 trillion by the next Congress, and all it has to do is continue down the path it has already hewn for itself and to continue on the spending programs and expansionist spending programs we have seen for the last decade. But it does no good for anyone to stand in this well and to blame the administration or anybody else for the events that have transpired. It is the Congress itself that is to blame for where we find ourselves today, and we must put constraints on ourselves and not put the blame on the White House or any other administration, past or future, for the situation.

So we are going to enter into a routine matter today of raising that national debt, and I am going to support it. We must support it.

But when we do so, we owe it to ourselves and to the American public to at least attach to it some semblance of a mechanism that will bring us back to reality and to respond to the American people's desire to curb spending and to reduce that deficit.

Oh, yes, we are going to raise the debt today, but let us raise the hopes of the American people that we are going to do something about it in the near future.

I thank the Speaker.

#### WE SHOULD COMBAT THE DEFICIT THROUGH PRUDENT SPENDING REDUCTIONS AND EQUITABLE TAX INCREASE

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, today the U.S. Treasury bumps up against its ability to borrow. The House, having acted in a timely manner, now awaits action by the other body. But a number of their Members are so fixated on the symbolism of raising the debt ceiling that they have been blinded by the real tangible fiscal impact delay will bring. It would be well for the Senators to keep in mind that delay itself has a cost right now to the taxpayers of this country. We all know that Treasury must inevitably go into the credit markets and borrow funds to meet our legal obligations, much of which are contract obligations with the private sector. According to one published report, the Treasury will have to borrow over \$50 billion in the last quarter of this calendar year. The same people who wail about the squeeze this \$2 trillion debt will have on interest rates are the same people who are leading the delay in the extension of the debt ceiling, jacking up rates even more today as we delay.

□ 1230

Why? Because the more we delay the increase in the debt ceiling, the shorter the period the Treasury will have to borrow these large sums; and that will drive the interest the Federal Government needs to offer in order to market so much debt in so short a period of time higher still.

The higher interest the Government offers will very likely drive up the interest rate in general, so the taxpayers get slammed twice. First, they will have to pay the higher than required interest to the lender sometime in the future through higher taxes. In addition, consumers who need to purchase goods will have to pay more in personal interest payments now.

We need to combat the deficit through prudent spending reductions. We do not need rhetorical sparring. Let us get on with our job of paying the bills we have already incurred.

#### THE FEDERAL BUDGET

(Mr. SWINDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWINDALL. Mr. Speaker, before being sworn into this august body, someone described Washington, DC, to me as being 67 square miles surrounded by reality. After serving 9 months in this body, I have now come to the realization that his description was not intended to be tongue-in-cheek.

The fact that we spent more time debating what should be done in South Africa an issue over which we have little control than we did on our own budget confirms this fact. In reality this body has deliberately chosen to avoid addressing the deficit crisis in this country head on.

My colleagues will have an opportunity this week to demonstrate that this body is serious about doing something other than talk about deficit reduction.

My colleagues, who bring out these charts and are already trying to shoot holes into a proposal that will put teeth into the very budget we recently passed, recognize that it is the appropriations process, rather than the budget process, that can, in fact, reduce the deficits which are threatening to end our present economic recovery.

My point to the American people, Mr. Speaker, is this: It is very apparent that unless we pass the Emergency Deficit Control Act of 1985, thus putting necessary enforcement mechanisms into the appropriations process, it will be obvious that our recently passed concurrent budget resolution is little more than a fraud on the American people. In short, we have the opportunity to live up to our word and stick by the deficit targets for which we ourselves voted 2 months ago.

The American people are fed up with deficit reduction rhetoric that does not match this body's actions. We have an opportunity this week to match our actions with our rhetoric. I hope that this body will demonstrate the type of resolve which the American people demanded in the November 1984 elections.

#### CONSTITUTIONAL WIMPS

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)



Mr. BONIOR of Michigan. Mr. Speaker, constitutional wimps are at it again.

First, some abandoned the duties given us by the Founding Fathers over the conduct of foreign policy. Now, some want to pass the buck on the deficit as well.

The President is to be given unprecedented control over the Federal budget. This House, the supreme body of the people, was not elected to cut press releases while leaving it to someone else to cut the budget.

How can we return to the people and say that we did not have the guts to face one of the preeminent tasks of our time. That we did not have the guts to live up to the responsibilities given to us by our Constitution.

#### THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, recently, our Nation marked a milestone that is an historic low point in our fiscal and economic history. The fact that years of excess spending has forced the national debt beyond \$2 trillion is both outrageous and inexcusable. This huge debt threatens to stop all economic growth and bankrupt our entire economy.

I don't think it is possible to overemphasize the danger by a debt of this magnitude. Today, legislation is being introduced that will force Congress to balance the Federal budget by 1991 and bring to a halt the annual addition of billions of dollars to the national debt.

The Balanced Budget and Emergency Deficit Control Act is a reasonable and realistic approach to finally eliminating our ever-increasing budget deficit. Recent history tells us that bold steps must be taken if we are ever to solve this problem. This bill is exactly such a step.

I am an original cosponsor of this measure and I urge all of my colleagues to join in a bipartisan effort to bring fiscal responsibility to the Federal Government by supporting this bill. The American people deserve a workable, hard-hitting program to bring a halt to these unending deficits and our future generations deserve to live in this country without being overcome by our excesses.

#### EMERGENCY DEFICIT CONTROL ACT OF 1985

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, I rise as a sponsor of the Emergency Deficit Control Act of 1985.

Last spring and summer, this body huffed and puffed at the Federal deficit, but that is about all we did. We ended up not with major deficit reduction but with budget by press release.

So next year, the average American family of four will pay \$34 a week just to pay off the interest on the national debt. And that interest will consume an amount equal to 40 percent of the individual income taxes paid in our Nation.

Now along comes a deficit reduction proposal that offers an answer. It is not perfect. But it imposes some discipline on this body. It gets us from here to there. It brings the budget into balance over the next 5 years.

Let us do something constructive about the deficit now so that 10 years from now this land of opportunity is not turned into a land of misery. Let us vote for the Emergency Deficit Control Act of 1985.

#### COACH EDDIE ROBINSON

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I appreciate the opportunity and privilege to join with my colleague, the gentleman from California [Mr. DYMALLY], in recognizing the achievement reached just last Saturday by Coach Robinson from Grambling University.

Mr. Speaker, in 1941, when Eddie Robinson began coaching football, no one had any idea that he would one day become the winningest college football coach of all time. All Eddie Robinson knew was that he had fulfilled a lifelong dream by becoming a football coach. He was the first and only coach that Grambling University, then known as Louisiana Negro Normal College and Industrial Institute, has ever had.

Well it seems as if Grambling University knew what kind of a coach Eddie Robinson would be. Because 45 years, 324 victories, 13 Southwest Athletic Conference championships, and over 200 professional football players later, Eddie Robinson and Grambling both have much to be proud of. Not only has he coached such notable NFL stars as Willie Davis, Willie Brown, and Charlie Joiner, but 95 percent of his players have eventually received their college degrees.

Eddie Robinson has said that records were never his goal, that he just wanted to make a contribution the way that other famous coaches like Stagg and Warner and Bryant did. Well, Eddie Robinson has more than made a contribution. He has won more football games than any other college

football coach in history, and along the way he has set a standard of excellence that no one could have predicted, but that will be cherished forever.

#### THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, today I join my colleagues in being an original cosponsor of a bill which will, hopefully, help put both Houses of Congress in order. This year I have become a member of the Budget Committee and had my vision unfavorably expanded. We are all guilty of abusing our power and overspending the taxpayers hard earned money. This bill which legally binds us to a debt ceiling and culminates in a balanced budget by the year 1991, will allow us to redeem ourselves before our constituency. We are too easy on ourselves, we pass measures and pat ourselves on the back, we meet with lobbyists and promise them everything they want, we preside over hearings and committee meetings and proclaim our jurisdictional programs deserving of more and more increases and we write our constituents letters of contempt for the burgeoning Federal deficit. We are hypocritical, Mr. Speaker, and this measure is giving us a second chance.

The Budget Committee members are busy now looking over the reconciliation packages sent by the various committees. It is a game. When a program is over the budget instructions, it is simply put off budget and not counted. This facade allows us to pass a deficit reduction package. If I sound angry and disgusted, it is because I am. I am frustrated at the constant rhetoric that is given in this hallowed Chamber and the real truth that is demonstrated by the votes on spending measures.

Today, I am given hope that this will no longer be the case. Today, I sense that we can act in the capacity we are honored to be put in by the American voters. We can be responsible, loyal, and dedicated to these people and manage the country out of bankruptcy. We must pass the Balanced Budget and Emergency Deficit Control Act of 1985.

#### THE DAMAGING COST TO NEW YORK STATE OF THE ELIMINATION OF DEDUCTING STATE AND LOCAL TAXES IN THE PRESIDENT'S TAX PROPOSAL

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, speaking on behalf of the entire New York delegation, I want to express my profound regrets that the President's tax proposal that has been offered eliminates the opportunity for residents of New York State or other States where State and local taxes are high to deduct them from their income tax returns as they have done over the years.

The general impression that has been made by the administration is that their tax reform really means lower taxes, that everybody is going to get a lower bracket. The impression is that you are going to go down to 35 percent or 25 percent or 15 percent instead of that 50-percent bracket that so many of us run up against.

But the fact of the matter is that, as long as this kind of provision is retained by legislation, it means that a lot of Americans are going to find that their taxes under this so-called tax reform program are going to be much higher than was the case before tax reform raised its head.

Let me point out to my colleagues the fact that in New York State the leaders on both sides of the political aisle are strongly opposed to the elimination of the deduction of State and local taxes. In fact, the very able Republican State comptroller of New York State, Hon. Ned Regan, not only has joined the opposition to the deletion of the traditional deduction for State and local taxes. He has done even more. He has calculated that in New York State the first year of the Reagan tax cut would cost New York taxpayers an additional \$2.4 billion.

And even in succeeding years, New York would gain only a 1-percent tax cut, while the rest of the country would be getting a 7-percent cut. This is a devastating blow to New York State.

#### THE FEDERAL DEFICIT

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, the reason I became an original cosponsor of the Emergency Deficit Control Act mainly is because of the disastrous effects that the borrowed money and our Federal deficit is causing to our industry in this Nation. We are losing our jobs and our plants and our crafts offshore. If you have any doubts about the disastrous effects of bringing in that gold and silver from offshore, look at Spain in the 15th and 16th centuries. Before Spain put \$2 on the dark horse named Christopher Columbus in 1492, Spain was the backwater of the old Roman Empire. But with the gold and silver from this New World flooding into Spain, her dollar became highly inflated, her currency

was completely out of kilter. Spain lost her industry, lost her crafts. She became a hulk of a nation. And when the gold and silver from offshore played out, Spain crashed, not to be heard of again.

Those who do not read history are doomed to repeat history is the preaching we have heard. America must control this offshore borrowing caused by a big Federal deficit. If we do not, we very well may be the Spain of the 20th century.

□ 1245

#### MEMBERS URGED TO SUPPORT SHORT-TERM DEBT EXTENSION

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, since entering the House, I have sponsored proposals to balance the budget by 1990. Today, the Gram amendment is pending before the other body. It represents a historic opportunity to move toward a balanced budget. It represents a historic change in our Nation's fiscal policies, and it represents a historic redefinition of the congressional and executive powers.

Mr. Speaker, it is clear, however, that no one, not even the major sponsors of this proposal have fully explained it to the American public and to the Members of Congress on either side of the political aisle. Serious questions remain. Fundamental choices lie before us on fairness, on priorities, and on our procedures. We need a commitment by the President and Congress; by Democrats and Republicans to reduce these deficits. There is enough blame to go around, and there is enough work for all of us to do if we are serious about getting the job done.

As someone who has fought for a balanced budget since I have been here for the last 3 years, I urge my colleagues to support a short-term debt extension so that we can work together to come up with the responsible legislation that we need to address this problem and require a balanced budget, statutorily, by 1990 or 1991.

#### SUPPORT URGED FOR BALANCED BUDGET AND DEFICIT CONTROL ACT

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, the other body is currently considering the Balanced Budget and Emergency Deficit Control Act of 1985. I rise in the strongest possible support for this vital legislation.

This year, our national deficit will exceed the staggering sum of over \$2 trillion. It took over 200 years for our Nation to reach its first trillion dollar

deficit, and it has taken less than 7 years to get the second trillion. So far, we have been able to avoid the terrible effects of this huge debt because of our strong economy. But we cannot delude ourselves that we can continue to spend without any limits.

The recently concluded budget resolution efforts convinced me that the time has come for strong action. Despite the sincere efforts of many Members of Congress from both sides of the aisle, we have not been able to get our budget deficit under control. This last budget resolution that was passed in the House of Representatives contains a deficit reduction of theoretically \$55 billion. In reality, it is going to be more in the range of \$10 to \$15 billion, and there is every probability that our deficit for the fiscal year that we are now in will be \$200 billion.

The Balanced Budget and Emergency Deficit Control Act is an excellent means of forcing the Congress to make the necessary spending cuts. There is no doubt that this is strong action, but strong action is needed. Please support me and the 100 other Members who have already cosponsored this vital legislation.

#### LET US NOT REPLACE STAGNATION WITH STAMPEDE

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, in the last several weeks there has been a remarkable reversal of direction by the Reagan administration. First there was South Africa; the administration abandoned its claim that the only answer was "constructive engagement."

Next, the administration ended its do-nothing position on the huge trade deficit. Then the administration ended its long hibernation on the overvalued dollar. Now, the administration has abandoned its claim that America will grow out of record deficits. It is urging that we throw away the credit card that bears its own signature.

I welcome this latest administration reversal. The deficit indeed has represented and continues to represent an overriding threat to our economic stability and growth. It is so overriding that the remedy must be real and appropriate. It also must be swift. But we owe it to this country not to replace stagnation on the deficit with stampede.

#### THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

(Mr. ARMEY asked and was given permission to address the House for 1



minute and to revise and extend his remarks.

Mr. ARMEY. Mr. Speaker, the Balanced Budget and Emergency Deficit Control Act is being debated on the floor of the other body even as I speak, and I can only pray that we have an opportunity to debate and pass this most important legislation. Although I'm new to this body, I'm not unfamiliar with the excesses which have led us to a doubling of our national debt in 5 short years. As the Congress considers raising our national debt limit to \$2 trillion, it is most appropriate that we attach iron-clad deficit reduction language.

The Emergency Deficit Control Act is a straightforward approach to reducing spending. By establishing maximum levels for deficits for the next 5 years, and by empowering the President to enforce such levels, we can stop talking about cutting spending and start actually doing it.

I wish drastic actions like this weren't necessary; that Congress could exercise the fiscal responsibility the people demand. But the sad fact is, despite all the rhetoric, Congress is unable to run our Government in a fiscally responsible manner.

I can think of no better example of empty promises and smoke and mirror savings than those which were enacted with passage of the compromise budget for fiscal year 1986. The public was told this great compromise would save \$56 billion next year. What wasn't mentioned was that our budget deficit would still be close to \$200 billion. The truth is that the majority of these savings have already evaporated.

I voted against this budget compromise because I didn't believe it went far enough toward reducing the practice of deficit spending. As deep in debt as we are, this Congress was able only to agree on measures which barely, barely make a dent in our annual budget deficits and do nothing to curb our appetite for big spending.

Let's not deceive ourselves. Even if we pass the Emergency Deficit Control Act we will still be faced with tough choices and difficult tradeoffs. But we don't enter into the process of responsible government blindly. There is a blueprint from which we can operate. It's called the Constitution, and I believe it clearly defines what role the Federal Government should play in our lives and, subsequently, just how deeply the Federal Government should be digging into our pockets.

Even if the act fails, I'll continue to press for fiscal responsibility and to end deficit spending. It won't be an easy task, but I think it is one which the people demand and which I, as a Member of Congress, have a responsibility to deliver.

#### GRAMM-LATERAL

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, we are having a chance to watch the great scam. Set to music, I think it would be a big sellout. What is happening is this: Members of Congress who voted to triple the budget for star wars; Members of Congress who are voting this week and who will vote in the other body soon to continue to spend billions in agricultural subsidies; Members of Congress who gave you the National Endowment for Democracy, the charter travel service around the world for Members of Congress and their friends, are now pretending to be concerned about a balanced budget.

What we have brought forward is procedurally quite striking. A fundamental change in the American system of power being brought forward in a coercive way as an amendment to the debt limit bill in a way that does not allow anyone to look seriously at what is in it. The next time Members who are supporting this raise procedural objections to things going too fast in the House, I hope they will remember that.

But the fundamental point is that it is flawed substantively. It would cut equally medical care for desperately needed elderly ill people and the National Endowment for Democracy. It would protect part of defense while cutting vital services.

The people who are putting this forward did not put forward serious budget reduction matters. We had in the past what was known as Gramm-Latta in 1981. This is the sequel. This is the "Gramm-Lateral." It is an effort to get rid of the ball. It is an effort to have Congress avoid making the tough choices. People do not want to vote on reducing farm subsidies; they do not want to vote on tough ones, so they are playing this game.

#### LIVER TRANSPLANT PATIENT FINALLY GAINS ACCESS TO HOSPITAL CARE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, recently a young man from my district in desperate need of a liver transplant was refused admittance to one of the two hospitals capable of performing the procedure because he did not have private insurance and could not guarantee payment of the \$200,000 bill he would incur.

This particular story fortunately had a happy ending, thanks to the caring attitude of Mrs. Pam Calamas, social worker for Tarpon Springs Hospital, and because, with the able assistance of Congressmen MARKEY and

WAXMAN, I was able to get the hospital to relent and admit Gary for treatment.

While this represents a case of access to the most sophisticated technology, we are all aware of cases where even routine emergency care has been denied because of the patient's inability to pay.

I believe we should at least ensure that emergency medical services are available to all. For this reason, I have introduced House Concurrent Resolution 178, which states that hospitals should "provide an open door to patients regardless of ability to pay." There is no worthier piece of legislation to lend your name to than one which could help save lives, and I hope all my colleagues will join this effort by cosponsoring House Concurrent Resolution 178.

#### THE WILL THAT HAS BEEN BROKEN

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, I find it intriguing that my colleagues from the other side of the aisle are, one-by-one, getting up and talking about the wall that has been broken. We have, basically, for years been trying to convince the other side that Reaganomics does not work; is not working; and one-by-one today they are acknowledging that and we appreciate it.

They talk about the fact that it is important that the Congress be disciplined. As I understand the Gramm-Rudman proposal, that we have endorsed, would also tell the President that he must be disciplined. I find it intriguing that my colleagues continually avoid that part of the discussion. We want a balanced budget; we want the deficits reduced. I find it intriguing that all my colleagues are now saying that Reaganomics has failed.

I should tell them, an interesting thing happened in Hawaii on Saturday. A lot of people were focusing their attention, including the President of the United States, on the fact that three Democrats had switched and became Republicans.

□ 1255

And then there was a recall measure. Sixty-two percent of the people of the city of Honolulu voted, and those 62 percent decided to kick out those three Republicans who decided to switch parties. Now we are going to have a special election, and we will elect some Democrats and do what is right.

# A STEP TOWARD A PERMANENT SOLUTION OF THE DEFICIT PROBLEM

(Mr. STRANG asked and was given permission to address the House for 1 minute.)

Mr. STRANG. Mr. Speaker, this body will have the privilege of telling our Nation that our commitment to balancing our budget is more than empty rhetoric. While a law passed in these Chambers must be recognized for its vulnerability to revocation by future impassioned and politically opportunistic Members, nevertheless we must all tell the American people that we are deadly serious about settling the Nation's accounts.

Mr. Speaker, upon passage of the Emergency Deficit Control Act of 1985, of which I am an original cosponsor, we will have started the first effective step toward the permanent solution to deficits and debts. That, Mr. Speaker, will be balanced-budget amendment to the U.S. Constitution.

## COACH EDDIE ROBINSON OF GRAMBLING UNIVERSITY—A TEACHER OF MEN

(Mr. BREAU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BREAU. Mr. Speaker, I would like to join with thousands of others who have congratulated Coach Eddie Robinson of Grambling University, for Coach Robinson's achieving coaching immortality by recording his 324th football victory this past weekend, making him the winningest college football coach in all of America's history.

Coach Robinson is more than just a football coach, however; he is really a teacher of men. In typical Coach Robinson fashion, he said, that he was not going to quit coaching, that he had many victories left in him, and, that he wanted to spread the credit around, saying that the whole thing belongs to Grambling, that whatever the record is, it belongs to Grambling University.

We may talk about the win, lost record, but that is really not the story. The record is 44 years at one school, one job, and one wife. Coach Robinson is, like I said, not just a football coach but a teacher of men. He also said to his players:

Anybody here in this room can do anything in the world he wants to do if he is willing to prepare himself. This is what we want you to do, to be better men for having played the game. I just want to tell you that you are living in the best country in the world.

Mr. Speaker, I would only add that those young men have the privilege of being coached by one of the very best men in America.

# BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

(Mr. MONSON asked and was given permission to address the House for 1 minute.)

Mr. MONSON. Mr. Speaker, the United States today is facing a crisis so urgent and so severe that it threatens to tear the very fabric of our economic and political life. Since taking office in January my number one priority has been to balance the budget and reduce the national debt—this is of paramount importance. With each vote I've taken, I've kept in mind our severe deficit problem and my responsibility as a Member of Congress to cut unnecessary Federal spending. I believe that if I can do one thing for the future of this country, it would be to see the national debt reduced, to place the deficit on a declining path toward balance.

As an original cosponsor of the Balanced Budget and Emergency Deficit Control Act of 1985, I urge each of my colleagues to support its passage. It is a results oriented bill, it will balance the budget by 1991. This bill reaffirms Congress' commitment to all Americans and financial markets that we are serious about getting the long-term budget situation in order. It is realistic, responsible, and provides truth in budgeting but most of all it will get the job done?

## VUCANOVICH SUPPORTS THE EMERGENCY DEFICIT REDUCTION ACT

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, for the first time in a long-time, we have the opportunity to seriously reduce the deficit. The Emergency Deficit Reduction Act is a major breakthrough for reducing spending and achieving a balanced budget in the very near future.

This bill is identical to the Gramm-Rudman proposal which the other body has been debating all weekend. This legislation would require the President to cut spending by an across-the-board uniform percentage. These cuts would be achieved by reducing automatic spending increases by half and by reducing discretionary spending by half. A tax increase would not be necessary if these reductions are met.

If we are serious about eliminating the deficit, then the Emergency deficit Reduction Act should have unanimous support. This is a realistic and responsible way to cut the deficit once and for all without increasing taxes. I hope all my colleagues will support this innovative approach so that deficits can be eliminated for good.

# HYPOCRISY SEEN IN EFFORTS TO BALANCE THE BUDGET

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, over the last several months we have heard the Democratic liberals come to this body with a lot of pious speeches telling us how they want to reduce deficits. But now the Democratic Party leadership in this city has shown us the party's true colors. They are big spenders, and they do not want anything to get in the way of their big spending.

Let us just look at the record. We have offered over the last several months an opportunity for this House to take up a balanced budget amendment to the Constitution. What has regularly happened to that? The Democratic leadership has buried it in committee.

We passed a law several years ago aimed at balancing the budget of this country by 1981. What happens? The Democratic leadership regularly has its membership voting to ignore that law in vote after vote after vote.

We passed a Budget Act in this body in the 1970's. What do we do? We pass the budget, and then when it comes to spending the money, we regularly bring rules to this House floor that waive the Budget Act, and we go ahead and spend the money. We have spent \$150 billion more than our own budgets in the last 5 years.

Now there is a new approach aimed at balancing the budget within a 6-year period—the Balanced Budget and Emergency Deficit Control Act. What are the Democratic leaders trying to do with that? They are trying to delay it, and they are trying to scuttle it.

Well, there is a name for people who say one thing and do another. It is not a very nice name, but it is an accurate name for what the Democratic leadership is doing. That name is hypocrisy.

## THE EMERGENCY DEFICIT REDUCTION ACT—MORE THAN JUST TALK

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to review and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, many in this House and in the other body have spent almost the entire year wringing their hands and talking about the national budget deficit.

Unfortunately, that is almost all we have done—talk. Now we have an opportunity to do something positive to bring the deficit under control.

The effect of the massive deficit is acknowledged by everyone. It is a destroyer of jobs, of trade, of business expansion. It is the thief which robs



not just us, but our children and grandchildren.

The Emergency Deficit Reduction Act is a plan which finally goes beyond mere talk. If we really mean to do something to bring this cancer which is eating up our taxpaying citizens, under control, now is the time.

When we are about to consider raising the debt limit yet again to new unprecedented heights, we owe our citizens a ray of hope that the Congress can learn to live within its means.

Let us pass this plan and reaffirm our confidence in the future of our country.

#### AN ATTEMPT TO BRING ABOUT FISCAL SANITY

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, the issue is: A \$2 trillion debt and a \$200 billion deficit, historic marks for this country to debate.

The other body has been debating this for 2 days in its attempt to bring about a solution to develop a gradual process by which to bring the deficit into control and to slow the rate of the debt. Yet my farm boy ears from Idaho hear some very distinct squealing going on, not only in this body but in the body across the Rotunda. That squealing sounds like the little piglet whose nose was caught in the trough. That squealing comes from the big spenders who simply do not want to give up the opportunity to continue to spend and then return to their constituents and say, "Look at what I did for you yesterday." Well big spenders, what you did for taxpayer's yesterday was to give them unprecedented debt and unprecedented deficit.

Will the Balanced Budget and Emergency Deficit Control Act work? I do not know if it will work. I guess I am cynical enough to say the only thing that will work is a constitutional amendment to balance the budget. But let us try and let us give the American public the unique opportunity to measure this Congress and the votes of its Members against their rhetoric, because it will be a vote on this issue that will say whether we are truly sincere in reducing the deficit and bringing about fiscal sanity.

□ 1305

#### ELIMINATE GOVERNMENT DEFICIT SPENDING

(Mr. COBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBEY. Mr. Speaker, the other body is currently considering deficit reduction legislation that if enacted, could balance our enormous budget

deficit by the year 1991. If passed, we in the House, will have the opportunity to vote on this measure because it's attached to the debt-ceiling extension that will raise the Federal debt to over \$2 trillion.

Mr. Speaker, I cannot in good conscience support raising the debt of this country unless we take sound, responsible action to eliminate our deficit spending. This deficit reduction measure is the first responsible action taken by this Congress to achieve, in an orderly manner, a balanced budget over the next 6 years. I cosponsored this legislation because the citizens in this country are demanding their Congress to tighten its' belt, and to make the kind of decisions that are necessary for us to move forward to securing a strong financial base for the future. This legislation will provide the impetus to reduce trade imbalances that are plaguing our Nation, and will create a sound foundation for investment and economic growth.

#### CONDOLENCES TO THE FAMILY OF ARKADY KATAKOV

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, I am here on the behalf of many of us to extend our sympathies to the family of Arkady Katakov.

Although the Soviet Union has not publicly sympathized with those families who have lost someone to the ranks of terrorism, I believe we should. As the counselor's secretary, he deserved the right of protection. We still, as a nation, have held by terrorists some of our citizens; now the Soviets have an additional three and one death.

For that the message should be clear. First, release all. Second, our hearts go out to those families we have across the ocean as worried as our families here. And third, that terrorism and the superpowers are dangerous adversaries, and that this is one area that the Soviet Union and the United States might find a route for cooperation to protect their own embassies and their own people.

#### STRAIGHT UP OR DOWN VOTE ON GRAMM-MACK DEFICIT REDUCTION PROPOSAL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, it is obvious that there is a serious national issue developing since the other body has been in session on Saturday and Sunday and we are actually here on a Monday. So it is clear that there is something brewing.

I found it interesting in this morning's 1-minute that a number of liberal Democrats who were eager and excited about attacking the President for what they called Reagan's deficits are now very concerned that in fact the Gramm-Mack proposal may lead to a real change in deficits, may control spending, and may bring this Government under control.

The challenge to this House will be to allow an up or down vote. I want to emphasize that. The key question for this House is whether or not the Democratic leadership will allow a straight up-or-down vote on the Gramm-Mack proposal and let everyone see once and for all where every Member stands on a serious and clear-cut plan that in 5 years would bring us to a balanced budget. That is the key question. Will the leadership allow us to have debate, and then to have a straight up or down vote, or will they in fact try by parliamentary maneuver to hide from the American people the unwillingness of the liberal wing of the Democratic Party to control spending?

#### RAISING ISSUE OF HUMAN RIGHTS WITH SOVIET UNION

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the jockeying and positioning for the Geneva summit between the President and Prime Minister Gorbachev has started. There has been a flurry of press reports relating to both sides' positions. The President has drawn the line relating to star wars. The Soviet leader has made an offer of 50 percent in reduction of offensive weapons. He has urged a Soviet dialog with our British and French allies separate from the United States.

It is uncertain whether this summit, which is critically important to the future of our Nation and to the world, will be more propaganda than substance. In the positive lionization of Mr. Gorbachev by the Western News was a very regrettable omission: his very unrelenting stance on human rights. He waxed indignant and ranted and raved when he was questioned relating to the human rights practices of the Soviet Union.

Mr. Speaker, I will be circulating a letter to all my colleagues asking that the President raise the issue of human rights with the Soviet Union as a high level agenda item. The Soviet record is poor and gets poorer every day in this arena. Political prisoners are tortured and Jewish emigration continues to be stifled. This is one summit that should not be left to issues relating to strategic weapons and arms control. The United States should stand behind

arms control and human rights observance by the Soviets. I hope everyone signs the letter I will be circulating asking our President to raise the human rights issue at the summit with Mr. Gorbachev on an urgent priority basis.

#### STRAIGHTEN UP THE REPRESENTATION MAPS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I rise as another cosponsor of the Balanced Budget and Emergency Deficit Control Act. Rather than repeat some of the excellent words of our colleagues who spoke before me on this, I would like to point out that there is a fall-back position to balance the budget if the Supreme Court rules correctly this session.

Today, the U.S. Supreme Court has taken up the case of *Bandemar versus Davis*. This case concerns gerrymandering in the State of Indiana. The Court ruling will affect at least 28 other States, including my own, where the mapping out of the districts we represent is so ugly, so nonsensical, particularly in California, that the voters still sneer in disbelief.

Mr. Speaker, you've seen those California maps. I ask the Chair, these maps are disgusting are they not? Nobody can believe this has happened to our country. It's outrageous. They look like Rohrsach tests—the late Phil Burton said the California maps were his contribution to modern American abstract art.

I hope it is a dawning of a new day with the 100th Congress. I hope in California we finally get a 50-50 representation in California, which would reflect the last three elections, not the 27 to 18, that we have now. Let's hope the Supreme Court doesn't abort justice on this one.

A footnote, Mr. Speaker, some Members may find it of interest that a young private nurse who had taken care of Rock Hudson these last few months said to her congregation at a church in Westwood, CA, yesterday, that on September 14 at 7 o'clock in the evening, Mr. Rock Hudson had accepted our Lord Jesus Christ as his Saviour. So in the last 18 days of his life, Rock found more riches than he had ever known in all his years as a star in the Hollywood motion picture community.

#### CONGRATULATIONS TO COACH ROBINSON

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, we take a lot of things very seriously in Louisiana, and one of them is football. As most of you probably know, one of our most esteemed coaches Coach Eddie Robinson at Grambling College, a coach there for 44 years, just became the winningest college football coach in history when he won his 324th game as head coach at Grambling. That is quite a record. He is quite an individual.

He only needs three more victories to have won more games than any professional football coach. He would be passing George Halas' record with just three more victories. That would make him arguably the finest coach in football history.

As one of his players said, and summed it up best, "Sometimes after practice, we just stand and look at him." They are that much in awe of him, and so are most of us sports fans.

Coach, congratulations. Here is hoping you have many, many more years of continued victories.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules of which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

#### MILITARY MEDICAL MALPRACTICE

Mr. GLICKMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3174) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, as amended.

The Clerk read as follows:

H.R. 3174

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CLAIMS FOR IMPROPER MEDICAL CARE.

(a) COGNIZABLE CLAIMS.—Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2681. Certain claims by members of the Armed Forces

"(a) CLAIMS OF MEMBERS OF ARMED FORCES.—Subject to all the provisions of this chapter, claims may be brought under this chapter for damages against the United States for personal injury or death of a member of the Armed Forces serving on active duty or on full-time National Guard duty (as defined in section 101(42) of title 10), under the conditions prescribed in this section.

"(b) WHERE CARE PERFORMED.—The personal injury or death referred to in subsection (a) must have arisen out of medical or dental care furnished the member of the Armed Forces in a fixed medical facility operated by the Secretary of a military department or any other fixed medical facility operated by the United States.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'fixed medical facility' means a medical center, hospital, or clinic that is located in a building, structure, or other improvement to real property.

"(2) The term 'personal injury' does not include mental or emotional disability unless it is the direct result of a physical injury.

"(d) REDUCTION OF CLAIMS BY OTHER BENEFITS.—The payment of any claim for personal injury or death of a member of the Armed Forces under this section shall be reduced by the present value of other benefits received by the member and the member's estate, survivors, and beneficiaries, under title 10, title 37, or title 38 that are attributable to the personal injury or death from which the claim arose."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

"2681. Certain claims by members of the Armed Forces."

#### SEC. 2. EFFECTIVE DATE.

Section 2681 of title 28, United States Code, as added by Section 1 of this Act, shall apply only with respect to personal injuries or deaths occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes and the gentleman from Ohio [Mr. KINDNESS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3174 sponsored by a bipartisan group of 84 House Members extends jurisdiction under the Federal Tort Claims Act so as to allow members of the U.S. armed services to sue the U.S. Government for medical or dental malpractice that occurs in a fixed medical facility which is operated by the United States Government or by the Department of Defense.

In *Feres versus United States*, the Supreme Court held that active duty military personnel are precluded from suing the Government for medical or dental malpractice. However, civilians who have access to Government medical facilities are allowed to sue the Government for medical or dental malpractice. This includes dependents



of active duty service personnel and retired military personnel. In fact, even Federal prisoners who are the victims of medical malpractice in Government-operated medical facilities are allowed to sue in such circumstances. A child or spouse of an active duty service member has such right, a convicted felon in a Federal penitentiary has that right, it is only our people in uniform who don't.

I think that asking the men and women in the military to put their lives on the line for their country is enough. It is simply asking too much to expect them to suffer injuries as the result of medical malpractice and have no redress when others who use these same facilities do.

H.R. 3174 would add a new section to the Federal Tort Claims Act. This section, section 2681, will grant Armed Forces personnel the right to assert claims for medical or dental malpractice under the Federal Tort Claims Act. This section, however, is subject to the condition that the claim arise out of medical or dental care furnished to the military member in a fixed medical facility which is operated by the U.S. Government.

I want to make it clear that this legislation is subject to all the provisions in the Federal Tort Claims Act, which include not allowing suits for combat activities or claims which arise in Foreign Claims. The Federal Tort Claims Act also excludes suits for intentional torts. Additionally, the Federal Tort Claims Act limits attorneys fees to 25 percent, provides no right to a jury trial and imposes a 2-year statute of limitations. Furthermore, suits brought under this section are subject to the substantive tort laws of the State in which the injury occurs. Hence, since a number of States are making reforms in this area, adoption of this legislation would in no way undermine those changes.

Section 2681 also provides that any judgment awarded in the types of claims to be allowed under this section would be reduced by the present value of other benefits that are available from the Government. This section would prevent military personnel from being paid twice for the same injury.

The amended bill has several technical and clarifying changes. On page 2, line 18, the word "treatment" has been deleted. This change was made so as to be consistent with the definition in section (c).

Added to section (c) is a technical amendment, the purpose of which is to clarify what is not meant by the term "personal injury." In this legislation, personal injury does not include mental or emotional disability unless it is the direct result of a physical injury.

Another clarifying and conforming amendment is in section (d) on page 3 of the amended bill. This additional

language is to make this section conform with section (a). Section (d) is the reduction of claims section and this additional language should make the intent of the legislation more clear.

The other amendment is strictly technical in that the words "the first section" have been changed to "section 1."

These amendments do not change the substantive provisions of the bill, but rather are technical changes which are meant to make the language of the bill more clear.

Mr. Speaker, I might add that the Subcommittee on Administrative Law and Governmental Relations held extensive hearings on this legislation and heard from several witnesses who have suffered horrible injuries due to military medical malpractice and who have no judicial recourse. These witnesses told a series of horror stories which I think point out the absolute necessity for the passage of this legislation.

I would like to commend my colleague, the gentleman from Massachusetts for having sponsored this bill and all the work and help he has been to the committee in getting this bill to the floor. I also want to thank my colleagues on the other side of the aisle for their participation and support of this legislation—especially the ranking member, the gentleman from Ohio, who has been a tremendous help in seeing this legislation proceed.

Mr. Speaker, I strongly urge, all my colleagues in the House to vote in favor of this legislation.

□ 1320

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support H.R. 3174 and I shall begin by acknowledging that the position of the administration with respect to this bill is a position of opposition to it. An argument can be well stated that there is the possibility of additional cost being incurred by the Department of Defense as a result of the enactment of this measure into law. An argument may also be made with every bit as much weight that whatever that additional cost is that would represent recoveries for medical malpractice under this legislation, whatever that cost is, should not come out of the hides of our service people who are wronged in the practice of medicine in military medical facilities.

The gentleman from Kansas [Mr. GLICKMAN], the chairman of the subcommittee, has very well described and pointed out the characteristics of this bill and the way in which it would operate. It is carving out an exception to the Feres doctrine, which has been the rule with respect to members of the military services under the Federal

Tort Claims Act, but there is such strong reason for it that I would urge that our colleagues support H.R. 3174 and hope that we will be able to create greater equity in the treatment accorded to members of the military services when there is that occasion of medical malpractice affecting them in military hospitals and facilities in the United States and not in combat situations.

Mr. Speaker, it would be difficult for me to underrate the efforts and abilities that have been put forward to bring this legislation to this point by the gentleman from Kansas [Mr. GLICKMAN], the chairman of the subcommittee, the gentleman from Massachusetts [Mr. FRANK], the author of the legislation, and others who have been involved in the support of this measure, who all see on a bipartisan basis the need for this equity to be created in our law under the Federal Tort Claims Act.

Mr. Speaker, I would urge support of H.R. 3174.

Mr. Speaker, I would reserve the balance of my time if the gentleman from Kansas has other speakers.

Mr. GLICKMAN. We have at least three additional speakers, I would say to the gentleman from Ohio.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman for yielding time to me.

Mr. Speaker, I very much appreciate the support and the work that has been done by the gentleman from Ohio. I appreciate his acknowledging that the administration was opposed to the bill. I wish they had supported it. I guess in a way I am glad that they did oppose it because I am not sure my friend, the gentleman from Kansas, could stand the shock of seeing me and the President on the same side 2 weeks in a row. He is still assimilating last week's alliance.

Mr. Speaker, I want to also thank the gentleman from Kansas. When he assumed the chairmanship of this subcommittee, in a very brief time he brought to bear his very considerable skills on this legislation, intellectual and managerial, and has brought forward a very good bill. I mean to extend this as well to the gentleman from Ohio. Sometimes when we say this it is routine, but there were some serious questions about this bill. This bill is an amended version. The gentleman from Ohio was given some concerns by the administration, and I think we were able to work with them in a very reasonable way. We wanted to avoid the possibility which was raised to us that someone might sue for medical malpractice because he or she contested an evaluation that said he or she was not psychiatrically fit for a particular rating.

This bill is intended, and I think we have language that rules out that possibility. A psychiatrist or medical person who gives a good-faith evaluation of someone's capacity is going to be protected and the Federal Government will be protected, and we ought to make clear that this is not a bill to sue doctors. This is a bill that allows a person, as everybody else can do except people in the armed services, to sue the Federal Government, but it would not allow a suit against the Federal Government for psychiatric evaluation. It does say that if a person is mistreated, whether for a psychiatric or other illness, if that person is given any form of treatment involving medication or any other form of treatment and that results in unnecessary injury through negligence, that person may sue, and sue for pain and suffering and everything else. But there has to be that treatment that is given for the illness that is found to be negligent and the cause that triggers it.

We thank the gentleman from Ohio for helping us, I think, tighten the bill up.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Speaker, I would certainly concur in the gentleman's interpretation that he has expressed of the language that has been added in subsection (c). I think that is exactly what is intended, and I think it is an essential part of the equity of this measure.

Mr. FRANK. I thank the gentleman, because we believe it is important that we have this guidance for future interpretations for all parties.

Mr. Speaker, I also want to pay tribute to one absent, a former Member of this House. Sometimes we can be here for a while and have trouble getting a bill passed. Our former colleague, the gentleman from Arizona, Mr. McNulty, was the one who first introduced this bill and interested me and others in it, and I think without his efforts, even though he is no longer serving in this body, the bill would not have come forward.

I also want to pay tribute to an organization called the Committee Against Military Injustice. Candor compels me to say that they are not wholly satisfied with this bill. They would like it to go further. I think that underlines for Members that this is a very limited, carefully structured measure. It may be that in the future there will be a need to go further, but we may have some experience with that before. They would like it to have somewhat broader coverage.

What it does is very simple. Right now everybody in the United States who is the victim of malpractice in a military hospital or military facility

can sue, except members of the armed services. What we say is that members of the armed services now have the same right as civilians. I do not think that that is a radical step. It excludes combat-type operations. No one is going to be suing Hawkeye under this bill. It is a fairly limited right.

I also want to add that we do not mean by this, and I know I speak for my colleagues here, to indict military medicine. This is not a statement one way or the other about the quality of military medicine. In fact, what we are saying is that victims of malpractice, and fortunately that is rare, if they are civilians can sue their civilian doctor. We are simply giving the members of the armed services the same right vis-a-vis military medicine that civilians have vis-a-vis civilian medicine, and that in itself can hardly be considered an indictment.

I am one who believes that the whole malpractice system probably ought to be revised. I am prepared to join with Members to the extent that there is a Federal role in this, and it is not a State role, in revising the malpractice system. I do not think that the tort liability system is the best way to handle it, but as long as that is the only method, it seems to us unfair to deny it to members of the armed services. We are simply giving members of the armed services the same rights as others.

It does not mean that doctors are at risk. It is the Federal Government, under the Federal Tort Claims Act, that can be sued. It is not the individual doctor. It is, I think, a fairly moderate response to an important problem, and in the end I think all of us regard this as a very promilitary decision.

We are saying to the young men and women who have volunteered to defend their country, "We do not want you to have less rights in a given situation than a civilian. We value your services. We want to protect you." We are not saying that military medical malpractice is rampant. We are saying in those few instances when it occurs, we do not want to discriminate against members of our armed services.

I thank the gentleman from Kansas again for his leadership, and the gentleman from Ohio for his cooperation.

Mr. KINDNESS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Fish].

Mr. FISH. I thank the gentleman for yielding this time to me.

Mr. Speaker, my praise, also, goes to the chairman of the subcommittee and the ranking minority member for this legislation.

Mr. Speaker, I rise in support of H.R. 3174, which would amend the Federal Tort Claims Act to permit active duty members of the Armed Forces to sue the United States in certain malpractice cases.

For too long, men and women in American military services have been denied a basic right. Unlike all other citizens, military personnel have absolutely no right to sue for medical malpractice when they have been harmed by acts or omissions in military hospitals or clinics.

This situation must not be allowed to continue. Military personnel are now eligible for disability compensation when they are the victims of medical malpractice in military hospitals. But often that is not compensation enough to cover their injuries.

Under the Feres doctrine, military personnel are prohibited from suing the U.S. Government. There are no exceptions to this barrier.

This bill would exclude medical malpractice in military hospitals from that doctrine affording military personnel a legal recourse all other citizens enjoy. It also adds a measure of discipline for our military's medical personnel, holding them accountable for their actions.

It should be emphasized at the outset that this is a limited modification of the Feres doctrine. Suits for malpractice under the terms of H.R. 3174 could only be brought if the malpractice occurred at a medical facility operated by the Department of Defense inside the United States. Furthermore, the current exemptions from the Federal Tort Claims Act dealing with claims arising out of combat activities and claims arising in foreign countries would still be applicable here. See: 28 U.S.C. 2680 (j), (k). This means that malpractice actions could not be brought as a result of injuries occurring in combat or in instances where the asserted malpractice may have occurred at an Armed Forces facility overseas.

The phenomenon of medical malpractice is not unique to military facilities, and the terms of H.R. 3174 are not intended to be critical of medical or dental officers now serving in the Armed Forces. What is unique about the current situation is that a member of the Armed Forces who is a victim of malpractice does not have the normal legal recourse available to him or her. The existing compensation system is simply not an adequate financial response to the injuries and suffering that can be brought about by isolated medical malpractice situations.

This legislation does not undermine the very valid disciplinary and accountability concerns that were the basis of the Supreme Court decision in the Feres case. Again, combat situations and claims arising in foreign countries are excluded from the coverage of H.R. 3174. We simply should not allow a system to continue that seriously undermines the confidence that military personnel should have in their medical care.



I urge an "aye" vote.

□ 1330

Mr. GLICKMAN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Kansas for yielding.

Mr. Speaker, I have the great honor of serving on both the Armed Services Committee and the Judiciary Committee. On the Armed Services Committee, I serve on the Personnel Subcommittee, and constantly worry about how this Government treats its military personnel.

So often in defense everybody gets so caught up in what we are procuring that we forget about the people who have to run it and are out there with their lives on the line all of the time. I do not think it is any great secret that those who have made lots of money out of the Defense Department are not the people in uniform, not the people who are really threatened and have their lives on the line.

Let us talk about the basic thing this bill does. This bill says that the people who are on call 24 hours a day to protect our rights and liberties will now get the same rights that their children and dependents have. Dependents' rights were derivative from military personnel but they have stronger rights than the people on active duty who were out there protecting us. Whoever heard of derivative right being better than primary rights. It does not make any sense. This bill says that military personnel are going to get the same rights that civilians get and the same rights that their own dependents get.

You know that is really a crazy way to treat people whose lives are on the line 24 hours a day protecting us. We give them less protection than everybody else.

This bill corrects that.

I really want to compliment the gentleman from Kansas [Mr. GLICKMAN] who just took over this subcommittee, and this is one of the first bills he has moved very rapidly and brought to the floor. He had very extensive hearings showing why this bill is so important. Everybody has worked so hard on this. It makes so much sense that it is almost embarrassing to stand up here and talk about it. It is incredible that it was not done long ago.

All of these people work for the same flag and all of these people live under the same flag, and it certainly seems that they ought to be treated the same. That is really what this is all about, and again I thank everyone and urge the passage of the bill as soon as possible.

Mr. GLICKMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. Mr. Speaker, I rise to speak in opposition to the suspension of the rules on H.R. 3174. I know that the immediate basis for this legislation, is the spate of tragic incidents that have been detailed at the Subcommittee on Administrative Law and Governmental Relations' hearing. Nevertheless, I am compelled to bring to my colleagues' attention the paradoxical situation we find ourselves in today.

While on the one hand, several bills have been introduced to reform medical malpractice as the result of a recognition that the Nation's liability laws are no longer responsive to the best interests of our society, we are being asked today to add to that societal problem by adding a whole new class of claims. To ask this body to take such an action today, with insufficient deliberation on this issue which has evoked such emotion in hearings and notice in the media, serves neither us nor the people we represent, well.

Let me tell you what this legislation does. Briefly, it permits active duty members of the Armed Forces to bring actions against the United States for medical and dental malpractice which occurs in a fixed medical facility that is operated by the United States or the Department of Defense under the Federal Tort Claims Act. By so doing, this very short bill overturns a legal precedent set 35 years ago. Instead of relying upon an established system which can be improved to work for the benefit of the injured party, H.R. 3174 potentially adds thousands of cases to an already overburdened civil court system.

As worrisome to me, however, is what this bill does not do. Does it consider the quality of medical care in the military medical system? No; does it look at consolidating medical authority? No; does it propose innovative recruitment methods to attract highly skilled physicians? No; does it recommend a monitoring of performance of medical personnel? No; it just does not address the real issue that should be of concern to us—the best medical care for the best military men and women in the world.

Mr. Speaker, I urge that it not pass, under suspension of the rules.

Mr. GLICKMAN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I appreciate the gentleman yielding, and appreciate the gentleman from Georgia [Mr. ROWLAND] sharing his expertise with us.

But I would like to point out with regard to doing this under suspension of the rules, the only amendment of any substance that arose has been accepted, it has been worked out.

That is to say, if you agree with this in principle, and you have some detailed question or subordinate ques-

tion that arose in the process, it has been dealt with.

The questions the gentleman from Georgia has addressed could not be cured if we took this bill up under the regular calendar, because the questions he is raising are questions not within the jurisdiction of the Judiciary Committee. The Judiciary Committee has the jurisdiction over tort claims, and so even if this were not under suspension, I agree with the gentleman that there are things that ought to be addressed, and the gentleman from Oregon [Mr. WYDEN] who will be speaking in a moment has done a great deal to try to improve the quality of medical care and medicine in the military in general. But even if this were to be taken up and dealt with under the regular calendar, we could not take care of those problems under this bill in this committee, or even under amendment any of the items that the gentleman has raised because that is not a real issue, because to the extent that there were differences that came up, they have been worked out.

So we are not saying that military medicine is perfect or imperfect, or malpractice is good or bad. It is a single point: Do not discriminate against the marines. Do not let that soldier's wife and children or private citizens sue when he himself cannot.

Mr. GLICKMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN] one of the leaders on this issue of military health care.

Mr. WYDEN. Mr. Speaker, I want to commend our colleague from Massachusetts, [Mr. FRANK] for a tremendous job, and also the gentleman from Kansas, Chairman GLICKMAN, for their exceptional leadership.

If we pass the bill sponsored by the gentleman from Massachusetts [Mr. FRANK] we can create a new recruiting poster for the military. It would say: "Join the military. You won't lose your rights."

Unfortunately, that can't be said today. Military personnel injured as a result of medical malpractice have no recourse. The legislation before us today will change that, and give our servicemen and women the same rights as other Americans.

There are several things that must be done to improve military medicine. Earlier this year in response to a request from me, the Defense Department estimated that more than 20 percent of their physicians did not have a current medical license. This estimate was later confirmed by an analysis done by the American Medical Association.

Several weeks ago, an amendment I offered to the defense authorization bill requiring that all military physicians have a current, valid license was

accepted and later agreed to in conference. So we're making progress. The bill before us today will take us another step forward when it's adopted.

Even after this bill is passed, there will be more to do. The gentleman from Washington, Congressman Dicks, has led the effort to strengthen the quality of military personnel through the Appropriations Committee. We also should pass comprehensive legislation reforming our entire medical malpractice system.

The bill we are considering now holds military doctors accountable but not hostage. With it, we can assure our citizens that when they join the military, they do not lose their rights. That's why it should be passed.

Mr. GLICKMAN. I thank my colleague from Oregon and, Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. Dicks], a member of the Defense Appropriations Subcommittee, who has been working on this issue.

Mr. DICKS. Mr. Speaker, I want to commend Chairman GLICKMAN and the gentleman from Massachusetts [Mr. FRANK], as well as the gentleman from Oregon [Mr. WYDEN], who have been the leaders, along with their colleagues on the minority side. I think this is a very important piece of legislation. It is one aspect of our effort to do something about a crisis that exists today the quality of medical care that is being provided for our service people.

I serve on the Defense Appropriations Subcommittee in the House. I know the work that has been done by the Armed Services Committee.

Today we have major personnel shortages in our military hospitals around the country. I happen to believe that our military leadership has been negligent in not providing an adequate level of staffing. We do not have enough nurses, we do not have enough skilled personnel in these hospitals, and because of it, we are seeing an escalation in the number of lawsuits that are being brought each year by people who have been injured by that health care system.

My colleague from Oregon [Mr. WYDEN] has made a first step in trying to make sure that we get people with licenses, active State licenses. I have now made a step on the defense appropriation bill to get \$40 million added so that we could start getting the personnel levels up to 80 percent of what they should be at military hospitals.

But my colleagues, this legislation is needed because I think it is wrong to take away an individual service person's right to bring a lawsuit when we have problems occurring because of understaffing. We in the Congress have got to insist that adequate personnel levels are met.

I agree with the gentleman from Massachusetts [Mr. FRANK] that this

legislation is one part of the solution. But we have to deal with personnel, we have to deal with the quality of people that are providing these services. I am not going to rest, and I know the Members here are not going to rest until we get this problem corrected.

Mr. GLICKMAN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Kansas [Mr. GLICKMAN] has 1 minute remaining.

Mr. GLICKMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 3174, legislation that will allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.

Members of the U.S. Armed Forces who have suffered from medical malpractice in military hospitals have been barred from bringing negligence suits under the Supreme Court's interpretation of the Federal Tort Claims Act. I believe this is unfair. Currently, military dependents and retirees can bring lawsuits for malpractice which occurs in fixed medical treatment facilities which are operated by the Secretary of a Military Department or the United States.

Mr. Speaker, enactment of this legislation will result in improved morale among military personnel. Men and women who are on active duty with the U.S. Armed Forces should be afforded the same rights as a private individual who submits himself or herself to medical or dental care, even though that care is extended by the Government.

I commend the author of this legislation, Representative FRANK, and my distinguished colleague from Kansas [Mr. GLICKMAN] for the careful work they performed in the Subcommittee on Administrative Law while developing this legislation. I am proud to cosponsor this important legislation and I urge my colleagues to support it.

Mr. GLICKMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY of Illinois. I thank my friend from Kansas for yielding and want to commend him as well as the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Ohio [Mr. KINDNESS] for bringing forth this legislation.

As my colleagues know, C-SPAN televised the hearings, Mr. Speaker, on this very important matter. I cannot believe some of the horror stories that were alluded to by members of the families of people serving in the military.

The gentleman from Pennsylvania [Mr. KANJORSKI] and I have some concern, I would say to my friend from

Kansas, that there is no limit as to how much a plaintiff can get in the way of a judgment under the bill, however I am strongly supporting the measure.

Mr. GLICKMAN. Mr. Speaker, I yield myself 30 seconds.

Again, Mr. Speaker, I point out that this legislation creates liability standards subject to State law; that is what the Federal Tort Claims Act is. The only thing I would tell my friend is under the Federal Tort Claims Act, you cannot get punitive damages, and that is prohibited under Federal law. Also, you are limited to the other aspects such as no right to a jury trial.

But I fully hope that the States will take some action with respect to medical malpractice, some steps that need to be taken.

But the basic issue here is fairness. Should active-duty people be given the same rights in noncombat situations as their spouses and their children, and even as Federal prisoners have.

Mr. GRAY of Illinois. I thank my friend and strongly support the legislation.

The SPEAKER pro tempore. All time of the gentleman from Kansas [Mr. GLICKMAN] has expired.

Mr. KINDNESS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND of Georgia. I thank the gentleman very much.

What we are talking about, in my opinion, is the quality of medical care in the military.

I have not heard one person here say anything about this legislation improving the quality of medical care in the military. That is the thing that I am concerned about.

If someone can tell me how this will improve the quality of care, I will be grateful.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Georgia. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, based upon our hearing testimony, we heard from a lot of folks who use the services of the military as well as other witnesses that would indicate that the threat of a lawsuit against the Government for medical malpractice would act as one of many deterrents, not the only one, but one of many deterrents improving the quality of health care, and improving the quality of the type of physicians, improving the quality of the physical surroundings and all of those kinds of things.

The fact that the U.S. Government could be a defendant in a lawsuit is one of these things that generally would probably help as a part of many other things in terms of the quality of the medical care, so the deterrent effect is there.



That is not the only thing, but it would be a constructive help in my judgment.

Mr. ROWLAND of Georgia. That may have some effect, but the fact is that we are going to have to recruit better physicians into the armed services than we have had in the past. What we are really going to have to do is look for better physicians and try to get them into the armed services, physicians who are dependable.

As I understand it, at this particular point, the situation has improved considerably over what it was at one point in time, not nearly as bad as it was. So I am concerned that we are opening up the Federal Treasury here even more to lawsuits which are so unnecessary, and in my opinion, really will not improve the quality of medical care in the military.

Mr. WYDEN. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Georgia. I yield to the gentleman from Oregon.

Mr. WYDEN. I appreciate the gentleman yielding.

We need to protect the service men and women while we are getting the better doctors. And the fact of the matter is that one way to improve care is to improve accountability, and that is why we support the legislation.

Mr. ROWLAND of Georgia. Does the gentleman think that being able to sue is going to improve the quality of care then?

Mr. WYDEN. If the gentleman will yield further, we certainly think it brings some accountability and some responsibility to the system where there is very little today.

Mr. ROWLAND of Georgia. Mr. Speaker, my concern is the fact that we do need to improve the quality of care that our military personnel are getting, but I am still very concerned about this being the way to go about it.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia for injecting in this discussion a very constructive note. The bill, however, cannot address the rest of the problem. I think in response to the question that has been presented as to whether improvement in the health care services in the military will be brought about by reason of the passage of this legislation, I think there is indeed a great likelihood that the enactment of this bill into law would result in different judgments with respect to personnel in the health care systems within the Department of Defense.

I think that is a lever that needs to be applied. It is a part of the accountability factor mentioned by the gentleman from Oregon.

Mr. Speaker, before closing I would yield to the gentleman from Pennsyl-

vania who asked that time be yielded to him.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. I thank the gentleman for yielding.

Mr. Speaker, I rise first to compliment the gentleman from Massachusetts and the gentleman from Kansas for a very equitable piece of legislation that attempts to bring into balance the equities of all the parties involved with military medical treatment.

However, as a tort lawyer myself in the past, I think we are perhaps remiss in not looking at the potential liability to the Federal Treasury. I see that this bill offers no cap; that is, any amount of money could be recovered by these injured plaintiffs. I fully understand we should not discriminate against military plaintiffs any more than we would against civilian plaintiffs against the U.S. Government in a particular medical malpractice suit. Perhaps this particular piece of remedial legislation points up the fact that the Congress is missing a great opportunity here, a total reevaluation of the Federal Tort Claims Act, a total reevaluation of medical malpractice, and a total reevaluation of product liability law in the United States should be made toward examining the need for a cap.

The reason I say that is I have a personal experience in my district alone. The U.S. Government was defendant in a lawsuit in a vaccine case several years ago. The recovery by a single plaintiff was \$19 million. The failure to put a cap on this type of legislation may subject the Federal Treasury of the United States to hundreds of millions, perhaps billions, of dollars of liability.

Now I am not opposed to that if we have the horrendous treatment as described by my colleagues from Massachusetts, Kansas, and Illinois.

I think we are missing the opportunity to not only address the Federal Tort Claims Act with a cap, but to look at medical malpractice across this country for its terrible expense and the need perhaps for remedial legislation, to put a cap on certainly product liability. I think if we do this piecemeal and then say that we have solved the problem, I want to suggest to the gentleman that you have not solved the problem. The fact of the matter is, by putting the Federal Treasury in the position of paying for the liability incurred, we are not going to make these doctors any better doctors. We are not going to make the Joint Chiefs of Staff any better overseers. It is the Congress of the United States that has to hold their feet to the fire.

Mr. KINDNESS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding me this time.

First of all, I thank the gentleman from Pennsylvania because I think he raises an important point. As a matter of fact, we do have legislation before our subcommittee that tries to deal with the issue of medical malpractice on a more comprehensive basis, to establish the national standards medical malpractice both from a Federal and State basis. And I intend to pursue that. I am also a very strong advocate of looking at product liability. It has gotten out of hand. There do need to be substantive changes in the law in this country whether from a Federal or State basis. I do not object to that. The States have perfect rights under existing law, as the gentleman is well aware, to make some of these changes which are occurring and which, as the gentleman is well aware, the changes we are making today permit those recoveries to occur under State substantive laws.

Fourth, I would say, as the gentleman is well aware, the Federal Tort Claims Act does actually have some limits that State laws do not, a limit on punitive damages, a limit on lawyers' fees, those kinds of things.

Mr. KANJORSKI. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman.

Mr. KANJORSKI. I thank the gentleman for yielding.

Mr. Speaker, how would we be denying justice if we put a limit of \$5 million on a medical malpractice suit?

Mr. FRANK. Mr. Speaker, will the gentleman from Ohio yield to me?

Mr. KINDNESS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

First, I just want to respond to my friend from Pennsylvania when he says to us, "If you pass this and say you have solved the problem you are wrong." Well, I do not know of anyone who has said this has solved the problem. Frankly, I do not think much of that as an argument against a substantive piece of legislation. No one piece of legislation solves all problems. We try to make some things better, we have committee jurisdictional problems, and so forth.

Second, I think he does the people a disservice when he says that this might cause billions of dollars in liability. The Federal Tort Claims Act and malpractice, as the gentleman from Pennsylvania pointed out, is a more limited right for everybody else already. We have not had any record of the Treasury—most people in the country can sue for malpractice against the Federal Government right now. The evidence simply is not there in this particular regard.

As I told the gentleman, yes, I am in favor of some kind of limitations. But when he asks us what injustice would be done if we put a cap on, simply this: I do not want the young men and women who volunteer to fight for this country and put their lives at risk to have one less whit right than other people do, and I do not like in principle saying to them, "Everybody else can do it but you." I am afraid where that might lead.

I will join him in sponsoring legislation that deals with limitations for everybody, but I do not think it is right in principle to finger out members of the armed services when we have not done it for anybody else.

Mr. KANJORSKI. If the gentleman would yield, I welcome the gentleman joining me in that. The only thing I would say is, I would not oppose this legislation, but let us not let it die here. Let us attack this issue and see what we can do about it.

Mr. HOWARD. Mr. Speaker, I rise in strong support of H.R. 1483, a bill to authorize the Smithsonian to construct new or upgraded facilities in Tucson, AZ and Panama. At this time I would like to highly commend the distinguished gentleman from California [Mr. MINETA], who is a regent of the Smithsonian, for his strong leadership and bipartisan efforts in bringing this legislation before the House today.

Mr. Speaker, the goal of the Smithsonian, founded in 1846, is to promote the increase and diffusion of knowledge. To accomplish this goal, the Smithsonian conducts a broad variety of programs alone and in cooperation with other institutions, universities, and government agencies in the United States and abroad. In a continuing effort to accomplish this goal, H.R. 1483 authorizes the Smithsonian Institution to plan and construct new or upgraded science facilities at two of its most significant research installations, the Fred Lawrence Whipple Observatory on Mount Hopkins in Arizona, and at the Smithsonian Tropical Research Institute in Panama. Passage of this legislation will help sustain and expand scientific leadership in two key areas, namely, astronomy/astrophysics and tropical biology.

The Smithsonian currently operates research facilities in each of these areas which are used not only by Smithsonian scientists and researchers, but by scientists, scholars, researchers, and students from all over the United States and other countries.

The proposals encompassed within the legislation are not new programs but rather ongoing programs in terms of simply upgrading current inefficient and inadequate facilities.

The Fred Lawrence Whipple Observatory [FLWO] is a major astronomical facility that is used by approximately 90 scientists a year for a wide variety of research projects, especially for studies of the large-scale structure and evolution of the universe. The observatory, which officially opened in 1968, is located atop Mount Hopkins in Tucson, AZ, and is the site of the

multiple mirror telescope [MMT], built and operated by the University of Arizona and the Smithsonian Institution. The MMT is the third largest optical telescope in the world, and the first of a new generation of giant advanced technology telescopes. The Smithsonian Astrophysical Observatory [SAO] also operates two smaller telescopes at Mount Hopkins, and a 10-meter diameter light collector which is the most sensitive in the world for ground-based searches for high-energy gamma rays from celestial sources.

Operations in support of the FLWO and MMT are administered from a base camp, presently located in Amado, AZ. The administrative offices are located in an old abandoned school building, which is rented from the local school district. Maintenance of the FLWO fleet of 76 vehicles, mostly obtained from Government surplus, is carried out in open sheds. Storage is primarily out in the open. Tour groups and visitors are assembled in a small inadequate room of the school building prior to ascending to the top of Mount Hopkins via surplus Government vans.

Access to the summit of Mount Hopkins from the present base camp in Amado is via a 18-mile dirt road, which requires continual maintenance by FLWO staff.

During the last decade, the Whipple Observatory has developed from a small field station into one of the Nation's foremost astronomical research facilities, attracting yearly to the Santa Cruz Valley tens of hundreds of public visitors and scores of professional astronomers from around the world.

The operation of a large astronomical observatory such as Whipple requires computation and drafting facilities, public display areas, tool shops, vehicle maintenance and storage areas, space for the receipt and transshipment of equipment and supplies, and administrative officers, all with access to major transportation routes in order to coordinate activities in several locations. The observatory is, in effect, a small scientific mountaintop town which must be supported from the base camp. Thus, this legislation would provide for replacement of present base camp facilities to a site closer to the summit of Mount Hopkins in the U.S. Forest Service National Forest at Montosa Canyon and an improved surface to the present 18-mile dirt road to the summit at a cost of \$4.5 million.

In addition, the legislation provides for improved facilities at the Smithsonian Tropical Research Institute [STRI], located in the Republic of Panama, which is the principal United States center for tropical biology. Many of the easiest advances in tropical biology are behind us, yet continuing advances in tropical biology are essential to the economic and environmental health of both the developing and the developed worlds.

Beginning in the 1960's and continuing at an ever increasing pace, insights derived from experience in the tropics have revolutionized the biological sciences. STRI has played a decisive role in that development as a result of staff research and the pro-

ductivity of visiting scientists. In addition to the direct advancement of science, STRI, through its educational programs, has played a major role in producing another generation of scientists. Students from both developed and developing countries such as the United States, England, Canada, India, Panama, El Salvador, Costa Rica, Mexico, Brazil, Ecuador, Colombia, Venezuela, Peru, and so forth, have benefited from STRI programs.

A viable scientific establishment is essential to maintenance of environmental integrity. For any institution, the foundations upon which scientific advancement depend are the quality of staff and the quality of the physical facilities to support that staff. While STRI has been able to improve its scientific staff in recent years, efforts to provide commensurate growth in physical facilities have been thwarted. For example, in 1983, 460 scientists from 194 institutions pursued independent research activities at STRI. Thus, facilities development must be given the highest priority or the reputation of STRI as a premier tropical research organization will be in jeopardy.

Expansion of facilities must focus on the solution of two problems. First, the need for facilities to do science, such as laboratories, offices, and conference facilities, and, second, the necessary support to insure efficient operation and use of scientists' time and energy. Four areas with current and projected STRI programs require design and construction of new facilities. Each of the apparently separate research programs at STRI, namely, the Pacific marine, Atlantic marine, and Barro Colorado Island stand on their own individual merits as highlighted by the distinguished gentleman from California [Mr. MINETA].

The Naos Island Laboratory located adjacent to the Pacific Ocean attracts habitats which include mud flats, mangrove swamps, rocky reefs, and sandy beaches. The location provides STRI the ability to study the Pacific tropical marine environment and to focus on the potential consequences of introducing Pacific species into the Atlantic. Most of the Smithsonian's facilities at Naos are hand-me-downs from the U.S. Navy which include marine cable tanks, a 1914/torpedo storage building converted into a lab and a large underground naval gun emplacement also used as a lab. Housing for scientists in close vicinity to this facility has posed a problem, therefore, the Smithsonian proposes to build a small dorm facility at Naos to accommodate approximately 12 scientists.

The Galeta Island Laboratory located directly on a Caribbean fringing coral reef platform provides access to mangroves, sandy beaches, lagoons, and beds of algae and seagrass. The main laboratory building is an inherited U.S. Navy facility originally built for World War II. The Smithsonian proposes to build two buildings at Galeta, a lab facility and a dorm for at least eight scientists at a cost of \$3.5 million.

Barro Colorado Island was established as a nature reserve in 1923 and since custodianship of Barro Colorado Island was as-



sumed by the Smithsonian Institution in 1946, it has been a world center of research in tropical biology. The island is located by Gatun Lake and is fully covered by a developed tropical forest. In recognition of the value of the island and its isolation, the Government of Panama has added thousands of acres of the nearest surrounding peninsulas to the control of the Smithsonian, and the total land area is not 13,300 acres, constituting the largest tropical biological area under U.S. management. The island environment is as hostile to building and scientific equipment as it is valuable for biological research. Laboratory and office space are inadequate to support the pioneering research of staff, visitors, and students. Two areas of facilities require immediate attention, either because facilities do not exist or are profoundly degraded due to insect or fungal attack. The most urgent needs are a new scientific laboratory with attendant cages and growing facilities at an estimated cost of \$2.8 million.

Their geographical proximity and presence in a single administrative program at Tivoli in Panama City strengthens each because of frequent interaction of staff and visitors. Construction of new facilities are warranted due to the fact that the institution has for many years maintained numerous wooden and other aged structures at the Smithsonian Tropical Research Institute at Panama. Most of these buildings are inadequate to sustain modern research activities, are badly deteriorated due to tropical weather conditions, and in some cases have suffered extensive damage due to termites. The careful planning by the Smithsonian for STRI would consist of a multiyear program beginning with a fiscal year 1987 request of \$3.9 million to construct a terrestrial laboratory at the Tivoli site in order to vacate current inadequate leased space at Ancon, both of which are in Panama City. The entire plan is estimated to cost a total of \$11,200,000 over several fiscal years and also would include construction at the Naos and Galeta sites, as well as on Barro Colorado Island.

Mr. Speaker, to conclude, I would briefly like to address the relationship between the Panamanian Government and the Smithsonian Tropical Research Institute. In January 1977, the Smithsonian Tropical Research Institution [STRI] entered into a contract with the Ministry of Health of the Republic of Panama. This contract provided a legal basis for STRI's activities as a legally incorporated entity in the Republic. The duration of this contract is indefinite and provides for STRI's activities beyond the life of the Panama Canal treaties.

The negotiators of the Panama Canal treaties recognized STRI's unique role in Panama by an exchange of notes covering its activities in the Republic, and by a separate note vesting custodianship duties to STRI on behalf of both nations for the Barro Colorado Island Nature Monument.

In the first diplomatic note, the negotiators vested land rights in the name of STRI, not the U.S. Government, and specifically referred the provisions of the STRI contract with its definite time clause. Pro-

vision was also made for the transfer of lands and properties from both the United States and the Republic of Panama to STRI under normal land transfer terms.

The after agreement provided for custodianship of the Barro Colorado Island Nature Monument by STRI under the provisions of the Convention on Nature Protection and Wildlife Preservation of 1940. Custodianship rights are automatically extended at 5 year intervals for the duration of the Panama Canal treaties. Provision is also made in this note for extension of this activity beyond the life of the present treaties.

In July 1985, the Republic of Panama provided STRI with international mission status in further recognition of its unique and significant activities in Panama.

The rights provided STRI under these various agreements is akin to those land rights provided to diplomatic missions in host nations. These rights clearly extend for an indefinite duration.

The United States has no comparable mainland tropical research area under its custodianship anywhere in the world. Both the United States and Panama are aware of the significant scientific research that is conducted at STRI and are desirous of continuing the mutually beneficial relationship without limit of time.

Mr. Speaker, I urge enactment of H.R. 1483.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 3174, of which I am a cosponsor. Earlier this year I testified on behalf of this measure in the Subcommittee on Administrative Law and Governmental Relations because I believe that justice can be best served by allowing active duty victims of medical malpractice to file suit when the act occurs in a medical facility.

I have become familiar with the problems of active-duty military medical malpractice victims because of a constituent of mine, Maj. David Brown of Seabrook, MD.

Major Brown served in the Army with distinction for 14 years. He was the recipient of the Bronze Star and the Purple Heart. His promising career was cut short when he became the victim of medical malpractice.

In May 1980, a healthy, active Major Brown entered Womack Army Hospital at Fort Bragg, NC, for a routine varicoselectomy. He left the facility several months later with irreparable brain damage and partial paralysis all caused by improperly administered anaesthesia.

Despite clear evidence that malpractice was present, Major Brown is barred from suing the Army because of the Feres doctrine. That doctrine holds that where the injuries were sustained as a result of treatment of injuries incident to service there is no right to sue. Major Brown's condition and the treatment rendered have nothing to do with his military service. These are not wartime injuries. He should have the right to seek compensation for the physical and emotional pain he and his family have suffered. Today cases like Major Brown's can only be remedied by private bills which would allow them individually the right to

sue under the Federal Tort Claims Act. The gentleman from Massachusetts' bill properly restores this basic right to sue.

I commend him and the gentleman from Kansas, the chairman of the Administrative Law and Governmental Relations Subcommittee of the House Judiciary Committee for bringing this bill before the House of Representatives in a timely manner.

Mr. KOLBE. Mr. Speaker, I rise in support of H.R. 3174, a bill to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care. This long-considered legislation deserves speedy passage by this Chamber.

This issue came to my attention primarily through the case of Mrs. Dorothy Meagher, a resident of Bisbee, AZ. Her son, Jerry, was admitted to Balboa Naval Hospital, San Diego, on January 17, 1984, for removal of a cyst from his arm. What should have been a relatively simple operating procedure turned into a nightmare for the Meagher family: Through negligence, Jerry emerged from the Balboa Hospital a severely brain damaged quadriplegic.

The Navy compensated the Meagher family—by giving them Jerry's 100 percent disability pay. To this amount, Jerry's family must add between \$600 and \$800 a month to take care of their son. The Meagher family is precluded from gaining meaningful compensation from the U.S. Government—indeed, precluded from bringing suit against the Government—by the Feres doctrine.

The Feres doctrine is the result of the 1950 Feres versus United States Supreme Court ruling that held that "the Government is not liable under the Federal Tort Claims act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service." The Court said that only an "express congressional command" would indicate that Congress intended to create such a right. This bill expresses that command.

It is unconscionable that this Nation asks young men to fight and die in lands far from our shores to preserve our system of government, but tells them that, if they are injured in a hospital by their own Government, they have no right of recourse. This bill removes that injustice. It will not help the Meagher family, for it applies only to injuries or death that occur after enactment. The Meaghers have already suffered because of the Feres doctrine. But we can, today, ensure that, in the future, families of members injured or killed because of military medical negligence have recourse to fair and equitable compensation from the Government.

Mr. GONZALEZ. Mr. Speaker, I commend the authors of this legislation for addressing a tremendous injustice in the treatment of military personnel. For years, these men and women have had inadequate recourse for being compensated for instances of substandard and negligent medical care they might have received in government military medical facilities.

Since I represent San Antonio, I have many Federal workers among my constituents. Included in this group are a large number of military personnel and also a large number of military medical personnel. I have studied the effects of the Feres doctrine in great detail, and have heard from many of my constituents about the issue.

What is rarely mentioned in the present-day discussions of the Feres doctrine is the effect the Feres doctrine had on military medical personnel. Once the Feres doctrine established that military personnel could not sue the Federal Government for medical malpractice, the only recourse left was to sue the individual doctors and other medical personnel. As I am sure we are all aware today, the compensation provided military medical personnel is not competitive with civilian medical personnel, yet our military doctors were forced to buy medical malpractice insurance out of their meager salaries in order to protect themselves and their families. This was an injustice, just as it was an injustice to prohibit recourse by malpractice victims against the Federal Government.

In 1976, legislation that I had introduced was signed into law to exempt the military medical personnel from personal liability, just as the Public Health Service and the Veterans Administration had done in earlier years for their medical personnel. This took care of the unjust financial burden placed on military medical personnel in their purchase of malpractice insurance. Nevertheless, the second part of the problem—that being the lack of any recourse of military personnel who received substandard medical care—was left unaddressed. Ironically, recourse is available to dependents of active duty personnel. This legislation takes the logical and necessary step of making that same recourse available to active duty personnel without exposing medical personnel to personal liability.

Today, I am very happy to see this further corrective legislation come to the floor, and I encourage my colleagues to support the measure in the interest of fairness toward our service men and women.

Mr. MATSUI. Mr. Speaker, I would like to voice my support for the bill H.R. 3174 which would authorize active-duty members of the Armed Services to sue the Federal Government for medical malpractice. Under current law our fighting forces can enter a Government medical facility, be scarred for life by negligent care, and find themselves without recourse. There is no purple heart for the victims of medical malpractice.

The bill before us is carefully crafted so that the Government is not liable for care administered in extraordinary circumstances. It applies only to medical and dental malpractice which occurs at a fixed medical facility.

There is no valid reason that the brave men and women who spend their lives in service to their Nation should be denied access to the very rights and freedoms they fight to protect.

I commend my colleague Mr. GLICKMAN for bringing this measure before the Congress.

Mr. KINDNESS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill H.R. 3174, as amended.

The question was taken.

Mr. ROWLAND of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PLANNING AND CONSTRUCTION OF FACILITIES FOR CERTAIN SCIENCE ACTIVITIES OF THE SMITHSONIAN INSTITUTION

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1483) to authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes.

The Clerk read as follows:

H.R. 1483

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to plan and construct facilities for the Smithsonian Astrophysical Observatory and the Smithsonian Tropical Research Institute.*

SEC. 2. Effective October 1, 1986, there is authorized to be appropriated to the Board of Regents of the Smithsonian Institution:

- (a) \$4,500,000 for the Smithsonian Astrophysical Observatory; and
- (b) \$11,200,000 for the Smithsonian Tropical Research Institute.

SEC. 3. Any portion of the sums appropriated to carry out the purposes of this Act may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. MINETA] will be recognized for 20 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1483 would authorize the appropriation of \$4,500,000 effective October 1, 1986, for con-

structing a new base camp and resurfacing the road at the Smithsonian's Whipple Observatory in southern Arizona and \$11,200,000 for four new construction projects at the Smithsonian Tropical Research Institute in the Republic of Panama. The bill allows the transfer of funds to the General Services Administration in order to carry out the activities authorized.

As a member of the Smithsonian's Board of Regents and a member of one of the two committees to which the measure was referred, I am honored to bring this bill to the floor and to encourage its approval by the House. The bill consolidates in one legislative package planning and construction authority for facility development at two of the Smithsonian's most significant research installations and is in keeping with the Institution's long-range scientific expectations. Adoption of the measure now is necessary so that the Institution can seek funds for these projects, which are the Institution's highest construction priorities, in its fiscal year 1987 budget request.

Over the past year and a half, the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation has held three hearings at which these projects were considered. I think it fair to say that there is widespread understanding of the scientific significance of these facilities, as well as a high degree of admiration for the analysis with which the Institution has organized its overall construction priorities and the diligence with which it has pursued master planning processes for both units in the bill to ensure the effective application of the funds it is seeking.

The Fred Lawrence Whipple Observatory, located on Mount Hopkins, near Tucson, AZ, is the largest field installation of the Smithsonian Astrophysical Observatory. Since its official opening in 1968, the Observatory has been used as the site for experiments requiring extremely dark skies, dry climate, and good optical scene. The 8,550 foot summit of Mount Hopkins is the site of the multiple mirror telescope, a joint facility of the Smithsonian Institution and the University of Arizona. The MMT is the third largest telescope in the world and the first of its kind, combining six 1.8 meter telescope mirrors in a common support structure to produce the light-gathering capability of a conventional 4.5 meter telescope.

Other instruments are located on a half-mile long ridge at the 7,600 foot elevation. These include a 10 meter reflector for observations of extremely energetic gamma ray events and 1.5 meter and 61 centimeter reflecting telescopes for optical and infrared ob-



servations of distant stars and galaxies.

The administrative and support facilities of the observatory are located at Amado, AZ, which is about 35 miles south of Tucson and 18 miles from the scientific operations on Mount Hopkins. This base camp is the operational and logistical headquarters for anyone working at or visiting the mountain, its site consists of two adjacent leased parcels of land totaling approximately 4.25 acres; its facilities include a one-level school building and a one-level residence, both of which date from the 1930's and have been converted for office use. There are also vehicle service, repair, and storage sheds on the site.

The owners of the site have indicated a desire to sell the property. Because of its location near a flood-prone river that often makes access to the mountain very difficult, as well as other inadequacies of the site which serve only to promote operational inefficiencies, the Smithsonian is not a prospective buyer.

As the result of its master planning process, the Institution has selected a site on land under the control of the Forest Service that is across the river from and closer to the mountain than the existing one. Studies related to spatial analyses of the site and environmental documentation are underway, as are negotiations with the Forest Service. It is expected that arrangements can be made that will serve and protect the interests of both parties, and also provide a modest, but improved level of public education for visitors to the site.

If H.R. 1483 is enacted, the Institution expects to include a total of \$4,500,000 for construction of the new base camp in its budget request for fiscal year 1987. It anticipates a period of approximately 27 months for design and construction.

In addition, the legislation provides for improved facilities at the Smithsonian Tropical Research Institute which is the principal U.S. center for tropical biology. Each year hundreds of Americans and international researchers join the permanent staff at STRI in undertaking fundamental studies on the tropics. Increasingly scientists and policymakers have recognized the need to understand how tropical ecosystems function in order to predict more accurately environmental changes in the temperate zones.

To capitalize on STRI's unparalleled data base of more than 60 years and use it effectively, it is necessary to undertake a program of facilities improvements. Existing STRI facilities fall into several categories:

Construction undertaken in the 1920's and 1930's;

Renovated structures obtained from the U.S. military; and

Renovated structures obtained from the Government of Panama.

With the exception of a new library building opened in 1984, these facilities are inadequate because of age, size, safety, and health standards. Construction materials used in the first half of the century are inappropriate to the region's high humidity and insect infestation, and renovation of surplus buildings has served only as a stop-gap measure to ensure continuity or research. The structures are inadequate for modern scientific purposes and require extensive maintenance.

Among the pressing needs for STRI is a new terrestrial laboratory to replace a small and obsolete leased structure. Originally built as a hospital morgue, the facility cannot adequately support current research purposes as it has severe deficiencies in its electrical systems, plumbing, load-bearing capacity, and parking, and in the widespread presence of arsenic and other health-related problems. Additionally, its hillside location makes extensive renovation and the addition of outdoor cages and plant-growing facilities impossible.

The construction of a new terrestrial laboratory at STRI's administrative headquarters, known as the Tivoli site, will allow the economy of logistics consolidation with the new library and existing offices. The Tivoli site also will allow proper space utilization for permanent staff, long-term visitors, and students. Better integration of computers, other communications devices, and modern scientific equipment will be afforded in the new facility, as will space for cages, green Houses, space for lectures, small meetings, and major conferences.

Construction and equipment for the new laboratory is currently estimated at \$7.9 million. A gift of \$4 million for construction has recently been received; an additional \$3.9 million is required for completion of the project. If H.R. 1483 is enacted, the Smithsonian would include this amount in its budget request for fiscal year 1987.

Barro Colorado Island, located in the middle of Gatun Lake, a key component of the Panama Canal, has served as an important research center for tropical biology since 1923. Under the Canal Treaties, STRI was assigned custodianship of this 12,000 acre reserve on behalf of the United States and the Republic of Panama. The island serves hundreds of investigations annually, providing research space, as well as living and dining accommodations. Its physical plant includes many outdated wooden buildings which do not meet modern day building or health codes; as new scientific laboratory with attendant cages and growing facilities is a major requirement. Approximately \$2.8 million

is needed for this construction; funds would be requested in fiscal year 1989.

The geographical advantages of Panama to researchers interested in marine studies are incomparable: nowhere else in the world are two oceans so easily accessible for comparative research. Currently, renovated facilities are available on the Pacific, but no similar situation exists on the Atlantic where STRI research is conducted at Galeta Point in a small asbestos cement building acquired as surplus property from the U.S. Navy in 1965. The present laboratory has a severe asbestos problem in its walls and roof. Housing for researchers consists of a dilapidated trailer which does not meet safety and health codes; an inadequate sewage disposal system threatens the unique coral reef-mangrove swamp study site. A new laboratory, dormitory, and sewage system will require approximately \$3.5 million which also would be requested in fiscal year 1989.

Finally, STRI is responsible for more than 60 vehicles, a major research vessel, and dozens of smaller boats, in addition to normal building maintenance requirements. At present, the maintenance needs of its geographically dispersed facilities are performed in the bottom of an old torpedo factory; the top floor houses research offices. In order to provide for adequate maintenance and to relieve the noise and congestion of the present site, a new central facility with modern equipment is required; the estimated cost of its construction is \$900,000 and also would be fiscal year 1989 request.

Mr. Speaker, as you can see, H.R. 1483 reflects thoughtful and careful planning to meet the requirements of two of our Nation's small, but significant, scientific installations. The relatively modest total of the sums authorized—\$15,700,000 spread out over several fiscal years—represents an important investment in basic science and in our need to understand the forces of nature and the relation of man and his universe.

I urge the adoption of H.R. 1483.

□ 1400

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleagues from the House Administration Committee and the gentleman from California in bringing to the floor, today, the bill H.R. 1483.

This bill authorizes the Smithsonian Institution to plan and construct additional science related facilities at the Smithsonian's Tropical Research Institute located in the Republic of Panama and at the Whipple Observatory located near Tucson, AZ.

This science facilities construction proposal represents an effort by the Smithsonian to consolidate in one legislative package planning and construction authority for facility development at two of its most significant research installations.

The proposal is in keeping with the Institution's long-range scientific expectations and has been carefully evaluated in the context of its overall construction priorities.

For many years now, Smithsonian scientists and staff, as well as visiting scientists from around the world, have been working in make-shift facilities which are unsuitable for carrying out their scientific research.

In Panama, where the Smithsonian has been given international mission status by the Panamanian Government, many of the facilities currently being utilized were constructed before the Second World War.

These buildings, after 45 years in the tropical jungle and being subjected to monsoons, blistering heat, termites, and countless other elements, have just simply reached the end of their useful life.

At the Whipple Observatory, the Smithsonian must replace its administrative and maintenance facilities which serves the astrophysical and scientific operations carried out on Mount Hopkins, and also serves as the staging area and orientation center for visitors.

This facility, or base camp, consists of a 50-year-old, one-level school building converted for office use and numerous vehicle service, repair and storage sheds; all of which are leased.

The base camp is too small to adequately support the increased scientific activity taking place on Mount Hopkins as well as the growing number of visitors visiting the Observatory every year.

Mr. Speaker, this bill would authorize funds for the construction of a new base camp for the Whipple Observatory which would be constructed on a site to be provided by the National Forest Service in the Coronado National Forest.

The Institution has already initiated site and an environmental impact studies to ensure the site is efficiently utilized and with minimal ecological impact.

The new base camp would include an administration building and visitor's center of approximately 10,000 square feet, a vehicle maintenance shop, and a warehouse building.

In addition, the dirt, one-lane access road to the site of the new base camp will be upgraded and paved.

In Panama, funds are authorized in the bill for construction at several of the Smithsonian's tropical research sites.

At the Trivoli site, a new 36,000-square-foot terrestrial laboratory and

conference center will be constructed adjacent to STRI's existing library and administrative headquarters.

On Barro Colorado Island, the Smithsonian's Principal Research Center for Tropical Biology, a new 4,000-square-foot central field laboratory will be constructed to replace the outdated and decaying wooden buildings now being used and which no longer meet modern-day building or health code requirements.

And, at Galeta Point, the site of the Institute's Atlantic Ocean Marine Laboratory, a new laboratory of 7,000 square feet plus an ecologically sound sewage system will be constructed, as well as, a new dormitory facility capable of housing up to 15 people.

Numerous hearings have been held by the Public Works and Transportation Committee's Subcommittee on Public Buildings and Grounds on this legislative proposal both this year and last year.

Based on these hearings and careful evaluation of these projects, I would agree that these facilities are urgently needed, meritorious of our approval, and I would urge my colleagues in the House to support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MINETA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR], a distinguished member of the Committee on House Administration.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, I first of all want to commend the gentleman from California [Mr. MINETA], along with the other Board Members, the gentleman from Massachusetts [Mr. CONTE] and the gentleman from Massachusetts [Mr. BOLAND] for the splendid work they do on behalf of Members of Congress serving on the Smithsonian Board of Trustees, and I rise in strong support of this bill, which would allow the Smithsonian to construct and plan for varieties of scientific activities for the Institution which is in the forefront of the World in its activities. I think we should certainly push forward these activities to give it a continued perspective on this area.

I also want to commend the gentleman from New Jersey [Mr. HOWARD], the chairman of the Committee on Public Works and Transportation, who had very, very thorough hearings on the issue. As the Members know, Mr. Speaker, the Committee on House Administration does have joint jurisdiction; but in view of the thorough hearings that were held, for this time we did waive our jurisdiction. We are going to have an oversight hearing in a week or two concerning the varieties of scientific activities of the Institution, but we were pleased to see the thoroughness of the hearings of the

gentleman from New Jersey [Mr. HOWARD].

At this point I want to urge my colleagues to support the bill and support the Smithsonian in these activities, and I want to again commend my friend, the gentleman from California [Mr. MINETA].

Mr. Speaker, the Committee on House Administration through its task force on memorials and libraries has jurisdiction over policy and administrative matters relating to the Smithsonian Institution and shares joint referral, of H.R. 1483, with the Committee on Public Works and Transportation.

The Committee on House Administration will not have the opportunity to take further action on this legislation before adjournment and thus defers to the Committee on Public Works and Transportation for House consideration today.

This action, however, should not be construed as precedent for changing jurisdiction of the Committee on House Administration over related matters.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 1483, a bill authorizing construction at two science facilities of the Smithsonian Institution.

As a cosponsor of the bill and as a Regent of the Smithsonian, I want to thank Chairman HOWARD for bringing this legislation to the floor in a timely fashion. And my Smithsonian colleague, NORM MINETA, who is a member of the Public Works Committee, has also taken a leadership role on the bill and many other issues of interest to the Institution.

Mr. Speaker, I won't repeat the details of this bill, which have been eloquently explained by Representative MINETA. However, I do want to emphasize the importance of the Smithsonian's role as a scientific research institution.

The most familiar role of the Smithsonian is as a collector of objects, a museum or our Nation's attic. The museums along The Mall here in Washington are certainly the most visible and visited part of the Institution. But there is another, equally important role, the Smithsonian has played since its establishment over a century ago.

Through several facilities located around the country and across the globe, the Smithsonian Institution is sponsoring basic research in astrophysics, environmental sciences, archeology, zoology, and tropical biology. These facilities are designed to fulfill a basic mission of the Smithsonian to be a college of discoveries.

H.R. 1483 will enable the Smithsonian to maintain and improve two of its



most significant research installations: the Astrophysical Observatory and the Tropical Research Institute.

In 1890, with a \$5,000 gift from Alexander Graham Bell, the Astrophysical Observatory was established and first housed in two sheds in back of the Castle. Since then, the facility has developed into the leading international center for the study of astrophysics.

This bill would authorize \$4.5 million to plan and construct a base camp for the support of scientific operations at the Mount Hopkins, Arizonian Observatory.

This legislation also provides authorization for repair and improvement of facilities at the Tropical Research Institute in Panama. During the construction of the Panama Canal, the Smithsonian was first called to the area for biological studies. Since then, the Institute has developed into the principal U.S. Center for Tropical Biology Research—a center staffed by 25 leading scientists and visited by several hundred international researchers.

This legislation would authorize a 5-year facilities improvement program for \$11.2 million.

Mr. Speaker, over several decades, the Congress and the Smithsonian have made a commitment to these research activities, and we have the responsibility to properly maintain these important facilities. I urge my colleagues to support this legislation.

Mr. SHAW. Mr. Speaker, I do not have any further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from Illinois [Mr. GRAY], a member of our Committee on Public Works and Transportation and a member who formerly chaired our Subcommittee on Public Buildings and Grounds.

Mr. GRAY of Illinois. Mr. Speaker, I thank my distinguished friend and Regent of the Smithsonian, the gentleman from California, for yielding, and I certainly rise in strong support of this legislation.

Mr. Speaker, sitting on the Subcommittee on Public Buildings and Grounds, we had three hearings on this subject, and I can assure my colleagues that this legislation is at the top of the priority list by the Regents and administrators down at the Smithsonian Institution.

□ 1415

Mr. Speaker, it was mentioned earlier by previous speakers about what a great job the Smithsonian is doing; not only up and down the Mall, but in the scientific community. This legislation will upgrade their work. I want to commend the distinguished gentleman from California [Mr. MINETA], the distinguished chairman of the full committee, Mr. HOWARD, and my friend

from Florida, Mr. SHAW, who has put in a lot of time and effort on this legislation.

Mr. Speaker, I urge my colleagues to support this bill unanimously. Thank you.

Mr. BOLAND. Mr. Speaker, as one of the sponsors of H.R. 1483, I want to urge my colleagues to support this important legislation.

When most people think of the Smithsonian Institution, they think of the magnificent museums on the Mall in Washington. The Smithsonian, however, is much more than a repository of treasures of art, culture, and history. It is one of the world's foremost scientific research institutions, and Smithsonian scientists work not only in Washington, but in sites around the globe.

The legislation now under consideration, H.R. 1483, will authorize some much needed improvements at two of the Smithsonian's most significant research facilities, the Whipple Observatory in Arizona and the Tropical Research Institute in Panama. Opened in 1968, the Whipple Observatory covers more than 4,700 acres on and near Mount Hopkins. The Observatory houses a number of astrophysical instruments including a multiple mirror telescope, the third largest telescope in the world. Since it opened, the Observatory has used leased property as the site of its administrative and support facilities base camp. A new base camp is needed, both to correct certain deficiencies associated with the current site and because the lease on the current site expires in June of next year. The Smithsonian has identified a new base camp site which is closer to the Observatory than the current site. H.R. 1483 will authorize the construction of the new base camp, a facility which I believe is critical to the provision of a level of support services consistent with the quality of scientific research being done on Mount Hopkins.

Mr. Speaker, one of the least understood phenomena currently confronting the world, and one with potentially catastrophic consequences, is the deforestation of tropical rain forests. The Smithsonian, at its Tropical Research Institute in Panama, is studying this problem and hundreds of other puzzling questions in the field of tropical biology. The Tropical Research Institute, is our Nation's principal center for tropical biology. Despite its standing, scientists stationed at the Institute and those who visit it each year, live and work in facilities that are woefully inadequate. The Institute has many needs, chief among them the construction of a new terrestrial laboratory at Tivoli, a new scientific laboratory on Barro Colorado Island, a new laboratory and dormitory at Galeta Point and a central maintenance facility to handle the Institute's disparate maintenance needs. Fortunately, private resources will help meet some of these needs. H.R. 1483 will permit us to meet the remainder, and in so doing allow us to provide the Smithsonian's tropical research staff with the kind of equipment and facilities they need to do their important work.

I hope the House will approve this authorization measure. Scientific research, whether done at the Smithsonian or elsewhere, needs to be supported by modern instruments and facilities. H.R. 1483 will go a long way toward insuring that Smithsonian scientists at the Whipple Observatory and the Tropical Research Institute will receive that kind of support.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MINETA] that the House suspend the rules and pass the bill, H.R. 1483.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that pertaining to the rollcall vote on the military medical malpractice bill, that vote will take place after the completion of the farm bill today.

#### FOOD SECURITY ACT OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 267 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2100.

□ 1417

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2100) to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, with Mr. BONIOR of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, October 3, 1985, title XV was open for

amendment at any point on which debate had been limited to 1 hour, equally divided between proponents and opponents.

Fifty-two and one-half minutes of debate remain on title XV; 29 minutes for the proponents, and 23½ minutes for the opponents. Pending was an amendment offered by the gentleman from Missouri [Mr. EMERSON] and an amendment to the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA].

The Chair recognizes the gentleman from California [Mr. PANETTA].

#### PARLIAMENTARY INQUIRIES

Mr. PANETTA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PANETTA. Mr. Chairman, I would like to make an inquiry with regard to the time allotment. As I understand it, an hour has been assigned for this particular section of the farm bill. The question that I have is whether that time has been divided equally between the minority gentleman, Mr. EMERSON, and myself, to control that time, or what is the approach taken with regards to that hour?

The CHAIRMAN. The Chair would state that the time has not been divided equally yet between Mr. EMERSON and Mr. PANETTA. But the Chair could so do.

Mr. PANETTA. Mr. Chairman, I would then ask unanimous consent that the hour, excluding obviously the time that has already been used by the gentleman from Missouri, that that time remaining be equally divided between the minority gentleman, Mr. EMERSON, the ranking minority member on the subcommittee, and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. EMERSON] will be recognized for 23½ minutes and the gentleman from California [Mr. PANETTA] will be recognized for 29 minutes.

As the Chair recalls, the last amendment that was read was the amendment to the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA], and at this point she should be recognized.

Mr. DE LA GARZA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DE LA GARZA. Mr. Chairman, did I understand the Chair to state that the gentlewoman from New Jersey would receive her time?

The CHAIRMAN. Since we have divided the time between Mr. PANETTA and Mr. EMERSON, she should get her time from Mr. EMERSON.

Mr. DE LA GARZA. Mr. Chairman, I appreciate that because my concern is that I offered her that her time would be protected and that I would see to it that today she would have her time available. If that can be coordinated within the time yielded, then I would appreciate it in order that we might carry out our commitment to her when we last adjourned.

Mr. EMERSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EMERSON. Mr. Chairman, we have an hour equally divided between the chairman and myself, but does not someone who has an amendment get 5 minutes on their own, separate and apart from the hour that we have?

The CHAIRMAN. The amendment by the gentlewoman from New Jersey was not printed in the RECORD, and is an amendment to the Emerson amendment. Now that all the time on title XV has been allocated equally, her time should come from the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the gentleman for yielding me this time.

Mr. Chairman, the amendment has been read, and I would simply like to say that the amendment, as a point of clarification, is an amendment to the gentleman's amendment, and it retains the provisions in the committee bill to assist low-income elderly and disabled participants who have high medical expenses.

It is my understanding that the gentleman from Missouri has accepted the amendment.

I yield to the gentleman from his response.

Mr. EMERSON. Mr. Chairman, I accept the gentleman's amendment.

Mrs. ROUKEMA. I thank the gentleman.

Mr. Chairman, I have an amendment to the gentleman's amendment. This amendment retains the provisions in the committee bill to assist low-income elderly and disabled participants who have high medical expenses.

As the ranking Republican on the Hunger Committee, I have studied the issue of elderly participation in the Food Stamp Program. Elderly poor with high medical expenses do not receive as high a benefit level as they need because the medical deduction threshold is too high. The poor disabled have the same problem. My amendment would provide higher benefits to approximately 130,000 elderly and disabled households per month at minimal cost to the Federal Government.

Most people do not realize that the Food Stamp Program is the country's largest elderly nutrition program.

Every day, millions of older Americans rely on food stamps to pay their grocery bills. About 20 percent of all food stamp households have one elderly member. The program is also important in a similar manner for the disabled.

My amendment will assist low-income elderly or disabled citizens by lowering the medical deduction threshold used to determine food stamp benefits. Currently, an elderly or disabled household must spend at least \$35 per month on medical needs before this cost is deducted for the purpose of determining food stamp benefits. My amendment would lower this threshold for these households from \$35 a month to the lesser of 5 percent of gross income or \$35 per month.

Because the average income of an elderly household is currently about \$360 a month, the \$35 threshold constitutes almost 10 percent of its income. Since many households have incomes far below the average, this \$35 threshold works as a particular hardship on them. In addition, you should understand that this change will bring the Food Stamp Program more into line with the Federal Income Tax Code in terms of determining eligibility for a medical hardship deduction.

I urge my colleagues to support my amendment which will be beneficial to many elderly and disabled households.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] to the amendment offered by the gentleman from Missouri [Mr. EMERSON].

The amendment to the amendment was agreed to.

Mr. PANETTA. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in opposition to the Emerson amendment, as amended. I rise because I believe this is a key test amendment for the House of Representatives on the hunger issue in this session of Congress.

It is a test of whether we indeed recognize or hide from the facts about hunger. It is a test about whether we intend to only speak about the problem of hunger in our society or whether we intend to do something about it. It is a test of whether we stand by the commitment that the House of Representatives made last year in adopting H.R. 5151, the Hunger Relief Act, by a margin of 364 to 39.

The principal provisions of H.R. 5151 are contained in this section of the farm bill. These are the provisions that the Emerson amendment seeks to strike out. I would urge all Members to look at the facts regarding this amendment and its impact.

First of all, let me make clear to the Members that the provisions of this



bill relating to nutrition are within the budget resolution adopted by the Congress—adopted by the House, adopted by the Senate, and put into effect by this Congress. Indeed, Chairman GRAY has made clear that the food stamp authorizations contained in this bill are fully consistent with the 1986 budget resolution adopted by the Congress.

□ 1425

As a former member of the Budget Committee, I recognized that in order to provide for needed authorizations to address the hunger problem in our society it was important to account for these programs in the budget resolution. That was the battle we fought on the House side. It was fought in conference between House and Senate conferees on the budget, and was ultimately adopted by the conference and included in the fiscal 1986 budget resolution. This resolution was adopted on the basis that we can indeed justify the minimal restorations included in H.R. 2100 when it comes to a program that impacts on hunger.

Make no mistake about it, the food stamp program has received more than its share of cuts over the last 4 years. This program was cut almost \$2 billion in each year for 4 years as a result of the 1981 reconciliation proposal. What we seek to accomplish here comprises only a minimum restoration, somewhere in the vicinity of \$400 million in fiscal 1986 for nutrition programs, and indeed even our proposal falls below that figure per year.

As I said, the budget resolution adopted by the House and the Senate allows for the provisions incorporated in H.R. 2100.

Second, this amendment offered by the gentleman from Missouri has been portrayed as one that does not undercut current services. That is simply not so. Adopting this amendment will cut benefits by \$550 million over 4 years; it will cut benefits that flow to job-training programs, benefits that help poor families confronting the tough decision of heating or eating, and benefits for nutrition assistance program recipients in Puerto Rico. Make no mistake about it, this amendment does not maintain current services; it cuts domestic food assistance programs below current services by almost \$550 million.

The amendment would also eliminate a key provision of H.R. 2100 that provides for a thrifty food plan that keeps pace with food prices, by adding 2 to 3 cents to the cost of the average food stamp meal now totaling a meager 42 cents. The amendment would also eliminate a provision that helps the working poor, by increasing the income deduction from 18 to 20 percent of earnings. The amendment deletes a provision that helps working mothers by providing a child care de-

duction. If we are concerned about employment, the provisions of H.R. 2100 are essential to keep people working while providing some minimum benefits.

The amendment also removes adjustments in the assets limitations for the unemployed, and eliminates modest increases in the shelter deduction for the elderly and for many others who face the dilemma of heating or eating.

The facts about hunger are clear to everyone in this House.

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

Mr. PANETTA. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, the facts on hunger, I think, are clear to everyone. I believe there is no one in this House who does not understand the full impact of the hunger issue in our society. We have conducted some 16 hearings in the subcommittee. Witness after witness in hearing after hearing confirms the fact that hunger is a problem that is on the increase in our society, doubling and tripling the services provided by soup kitchens and food pantries in recent years. The increase of hunger has been confirmed by the Conference on Mayors, it has been confirmed by the Governors Association, and it has been confirmed by the President's 1984 Task Force on Food Assistance.

The 1984 task force was established by the President to look for solutions to the hunger problem. And what did they recommend? They said that current food assistance are not enough; they said we need to provide additional benefits to the hungry in this country. It is important to note that many of the task force's recommendations have been incorporated in this legislation.

Let us look at the facts. What we are seeing today is increasing infant mortality, particularly in the first 12 months of life. We are seeing increasing symptoms of anemia time and time again, reflecting the fact that nutrition benefits are not reaching our children. One out of every four children in this country currently lives in poverty, and that is having a tremendous impact on our future.

These facts warrant taking some action. I recognize that it is nice to talk about the hunger problem. We hold concerts to bring attention to the hunger problem, we have a Select Committee on Hunger, and we declare days of fast and abstinence to deal with the hunger issue. And all of those are good. I do not want to undercut the sincerity of all who are interested in pushing forward those particular ways to show a proper concern about hunger. But it does not help the people who are hungry. This is the legislation that helps people who are hungry, and if we are seriously con-

cerned about that problem, now is the time to provide assistance.

Last year, we made that commitment. The Members who voted for the 1984 Hunger Relief Act in the 98th Congress made a statement, and that statement was overwhelming. By a vote of 364 to 39 we said that we would adopt basic provisions to our domestic food assistance to help solve the hunger problem in our society. Since then, no legislation has been enacted into law. Nothing has changed. Only the problems has grown worse, if anything.

I ask Members to remember the commitment that was made last year, and request, at the very least, that we make the commitment again this year by adopting these provisions. We are talking about helping the poorest of the poor. If we are concerned at all about safety net issues, that is good reason to support food stamps. I ask Members to recognize that 95 percent of those receiving food stamps live below the poverty line and receive 98 percent of the benefits. These benefits serve the poorest of the poor.

The food assistance provisions of H.R. 2100 are not going to solve hunger in our society. They are not going to relieve the problem that still face millions of Americans in our society. If you vote for these provisions, it is not likely that you are going to receive recognition from a lobbyist or in the form of a campaign contribution, but at the very least voting for these provisions will provide a few cents to those who are hungry in our society.

So, Mr. Chairman, it is out of that sense of compassion that I ask the House to reject this amendment and to stand by the provisions contained in the bill.

Mr. GLICKMAN. Mr. Chairman, will my colleague, the gentleman from California, yield?

Mr. PANETTA. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I thank my colleague for his excellent statement.

One of the provisions that the amendment offered by the gentleman from Missouri [Mr. EMERSON] speaks to is the thrifty food plan which is in the committee bill, and this is one of the things that allows people who are needy a more recent computation of food costs for the purposes of buying their food stamps. That is one of the things that strikes me as being at the heart of the amendments that the gentleman has brought before us today, that is, to give people an opportunity to value their food that they are buying with food stamps at as close to today's food prices as possible, rather than several months ago, which is where we go back to if the Emerson amendment is adopted.

Am I correct in that statement?

Mr. PANETTA. Mr. Chairman, the gentleman is correct. The gentleman is a member of the subcommittee and has followed this issue closely.

The CHAIRMAN. The time of the gentleman from California [Mr. PANETTA] has expired.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, to explain further, what we tried to do is we retain the cost-of-living increase provided with the thrifty food plan, but the problem is that the present cost-of-living index is somewhere between 3 and 15 months behind. It is not that we are increasing the cost-of-living index; what we are trying to do is update it so that it does reflect what the cost of food is in a judicious and reflective way.

So this formula change would provide that update, and it would provide at a minimum something around 2 cents per person per meal in addition to what is currently being provided. Let me make it clear that if the cost of food goes down and if the thrifty food plan goes down, then the benefits go down. We have not changed that trigger in any way.

Mr. GLICKMAN. Mr. Chairman, I thank the gentleman, and I reserve the balance of my time.

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the distinguished chairman of the subcommittee, the gentleman from California [Mr. PANETTA], says that my amendment makes significant cutbacks in food stamp benefits, and he cites two examples—energy assistance and the Job Training Program. What the gentleman fails to state is that my amendment does not make any reference to these two provisions. The cutbacks the gentleman from California mentions are in the committee bill. They are his provisions, not mine.

In addition, the gentleman from California talks about over \$500 million in cutbacks as a result of my amendment. Any savings attributed to my amendment result from paper savings due to the manipulation of the Puerto Rico grant. My amendment continues the current law of providing \$825 million for Puerto Rico for food assistance—more than for any State except New York.

□ 1435

Yet this is described as a savings of over \$500 million by 1990.

The committee bill adds \$370 million for Puerto Rico, and yet this is described as a savings of \$208 million.

Now this is not a freeze amendment. Benefits and deductions increase according to current law. The thrifty food plan for a family of four is now set at \$264 a month. The Emerson amendment does not change the COLA which will allow an increase up to \$295 a month by 1988, which is a 12-percent increase in benefits.

The standard deduction will increase from \$95 a month to \$107 a month, or another 12-percent increase.

The shelter dependent care deduction will rise from \$134 a month to \$152 a month, or by over 13 percent.

So this is not a freeze amendment.

The committee bill increases deductions and benefits over and above the cost-of-living adjustments. The deduction for shelter dependent care is separated creating two deductions and the shelter deduction continues to rise.

The committee bill provides for an increase from the present level of \$134 a month to \$328 a month by 1988 for shelter and dependent care deductions. This is almost a 150-percent increase.

You have heard that these increases in food stamp spending are accommodated in the budget resolution. However, this is only half the story. Increases were accommodated only if the deficit was not increased. This was the agreement reached in the conference of the 1986 budget. The only reductions in spending in H.R. 2100 are for farm programs. Over \$7 billion over a 3-year period was saved from farm programs. Are we in fact reducing farm income so that we can increase food stamp spending over and above the cost-of-living adjustment?

You have heard some Members say that my amendment cuts benefits. It does not. It simply does not. I eliminate additional spending. That is what we are doing.

The committee bill does provide for some savings in the Food Stamp Program. Remember it is the committee bill that saves money in some few areas and not this particular amendment.

This bill before us today is not H.R. 5151 that passed last year. It is significantly different. There was no permanent change to the thrifty food plan in H.R. 5151. There is one in H.R. 2100 at a cost of almost \$500 million by 1988. The shelter dependent care deduction was not separated in H.R. 5151, and was allowed to more than double.

In H.R. 2100 there is almost a 150-percent increase in these deductions.

H.R. 5151 did contain a provision to require States to repay misspent Federal money over and above the 5-percent error rate tolerance level. This provision saved \$205 million by 1988. Now this is missing from H.R. 2100.

Over 8 percent of the food stamp funds are spent in error. Over 8 percent of the food stamp funds are spent

in error at a loss to the Federal Government of over \$900 million a year. Only one State has ever repaid any money to the Federal Government.

The real cost of H.R. 2100 is masked. In reality, the committee bill will cost almost \$600 million more than is described in the committee report. Puerto Rico is provided an additional \$370 million, and yet the committee report shows this is a savings of \$208 million.

You have also heard that the President's task force recommendation was cited as a basis for the committee bill. However, there are some important missing pieces. Where is the task force recommendation to allow States to have the option of running a State-designated Food Stamp Program? It is not in H.R. 2100. Where is the task force recommendation to require States to repay the value of benefits issued in error in excess of 5 percent? It is not in H.R. 2100. Where is the task force recommendation to cash out food stamps for elderly and disabled participants? H.R. 2100 allows this for Puerto Rico, but for nowhere else. That task force recommendation is not in H.R. 2100.

The true costs of the food stamp expansion in H.R. 2100 are masked. In reality, Puerto Rico is provided additional money over and above the \$825 million included in the Food Stamp Act. An additional \$370 million over the life of the bill is provided, and yet this is counted as a savings.

Look at the bill. Section 1527, the money going to Puerto Rico is increased by \$37 million in 1987 up to \$149 million in 1990. That is almost \$600 million more over the life of the bill that is described, \$600 million more.

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California, the chairman of the Select Committee on Aging [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. EMERSON deleting provisions from the food stamp portion of H.R. 2100. The Emerson amendment, even as amended by Roukema, would threaten the basic nutritional needs of hundreds of thousands of low-income older Americans throughout the country.

Presently, nearly 6 million older Americans—or 23 percent of those over age 65—have incomes below 125 percent of the poverty standard. For many of these poor, ill, or isolated individuals, geriatric malnutrition has been found to be a severe problem. National surveys by the Human Nutrition Center on Aging have found that close to 50 percent of elderly Americans consume insufficient levels of cal-



ories, vitamins, and nutrients. What is more, much evidence has been accumulated showing a strong link between weakened disease resistance and poor nutrition.

Over 1½ million households with a member aged 60 or older participate in the Food Stamp Program. Yet, only half of those elderly persons who are eligible for food stamps actually receive them.

Information provided to the Select Committee on Aging indicates that many older persons mistakenly do not believe they are eligible for the program, or simply do not understand the procedures for receiving this assistance. The amendment offered by Mr. EMERSON even as amended by Roukema would compound this serious problem by deleting the provision which allows States to provide public information to elderly, disabled, or unemployed individuals who are potentially eligible for food stamps.

Another provision freezes the assets limitation, which has not been updated since the first time national standards were set in 1971, thereby excluding many truly needy persons from the program. This action would also prohibit single elderly persons from maintaining a minimal reserve of resources for burial.

Other provisions prevent benefits from remaining current with actual food prices, prohibit recipients from receiving the USDA's minimal nutritional diet, freeze the excess shelter deduction, reduce assistance for those on low-income energy assistance, reduce benefits for participants in the Job Training Partnership Act, and freeze for 5 years the nutrition block grant for Puerto Rico. Cumulatively, these changes would force hundreds of thousands of frail and low-income older Americans to choose between essential food, shelter, medicine, and heating needs.

Mr. Chairman, the impact of these provisions on low-income Americans is substantial. By lessening the availability and accessibility of basic nutritional assistance to older Americans and other needy individuals, we would be threatening their very health and well-being. I strongly urge my colleagues to reject this amendment.

Mr. EMERSON. Mr. Chairman, I yield 4½ minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking member of the Select Committee on Hunger and a member of the Education and Labor Committee, which has extensive nutrition jurisdiction of its own.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Missouri, the author of this amendment, and I rise in support of it.

Mr. Chairman, I would like to stress, first of all, that the gentleman from Missouri [Mr. EMERSON] has made the case, not only forcibly, but with great

clarity that this bill is not H.R. 5151, on which we voted last summer. It has significant differences.

I should also like to stress at the beginning that my amendment to the amendment of the gentleman from Missouri [Mr. EMERSON] removes the limitation on assistance for low-income elderly and disabled in the medical expense area, so we can put that one aside; but I would also like to say to the distinguished chairman of the committee, the gentleman from California, who asked the question in his presentation, at least two questions. What is different here than when we discussed the issue of H.R. 5151? Well, there are a number of things that are different, but in the brief time that I have left to me, I would like to make two points. One is that I, as the ranking member of the Select Committee on Hunger, would not now or ever suggest that we withdraw our commitment to food spending for the poor, and I want to stress that this bill does not withdraw our present commitment. It does not in any way reduce current spending levels. In fact, it does allow for the cost of living indexing, both in food stamps as well as in shelter and in dependent care, but it maintains our present commitment.

It does, in fact, do exactly what some moderate Republicans had suggested in the 92 Group budget, which was to maintain current services with the cost of living increase, so we are not withdrawing a commitment; but, Mr. Chairman, I think it must also be recognized that now we are speaking in the climate of a deficit crisis. Indeed, the airwaves and the print media were filled this weekend with the thought that we might have to adopt some extraordinary measures for a 5-year plan to reduce the budget deficit.

So I say, no, we should not withdraw one dime of our commitment to the poor and their food needs, nor is this the time to increase significantly, as the committee bill does, spending in this particular area.

Because the facts are, as the gentleman from Missouri [Mr. EMERSON] has laid out, this is a costly additional program. In fact, the USDA estimates that if this indexing proposal to the 100-percent thrifty food plan were applied over the past 3 years, there would have been costs overpaid by \$381 million in 1982, \$307 million in 1983, and \$119 million in 1984.

So the point is that shifting to this kind of an indexing, as proposed by the committee, would have in fact resulted in cost overruns, if you will, above and beyond the cost of inflation.

So I would conclude by stating very graphically that the budget deficit crisis has gotten to this extent, that right now, this year, we are paying \$155 billion in interest on the debt alone—\$155 billion in interest on the

debt alone, and that interest has not provided a dollar's worth of food stamp money nor a meal for a needy child.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mrs. ROUKEMA. I yield to my colleague.

Mr. PANETTA. Mr. Chairman, I thank the gentlewoman for yielding.

That has been taken into consideration in terms of the budget resolution. The budget resolution allows for exactly what is incorporated in here, and if the gentlewoman voted for the budget resolution, she essentially was voting to in fact provide this additional amount for nutrition.

Mrs. ROUKEMA. The fact is, I did not vote for the budget resolution because I felt that the numbers were fictitious, that the estimates were not real and that it was not a genuine step in the direction of a downpayment on the deficit.

Mr. PANETTA. Mr. Chairman, I yield 4½ minutes to the gentleman from Texas [Mr. LELAND], the chairman of the Select Committee on Hunger.

Mr. LELAND. Mr. Chairman, let me first commend my colleague, the gentleman from California [Mr. PANETTA] for his outstanding leadership in this matter.

Mr. Chairman, I rise in support of titles XV and XVI as they are intact and in opposition, for sure, to the Emerson amendment. I support the domestic food programs of H.R. 2100. I intend to support these provisions with all my heart and everything that I have got.

The Select Committee on Hunger, which I chair, has been investigating the adequacy and availability of existing food services in both urban and rural parts of the community throughout this country. At each of our hearings we have received testimony indicating that current services are inadequate. We have been told over and over again of families who are repeatedly forced to do without food because their benefits do not last through the months.

We hear horror stories about how some of our senior citizens have to sell their food stamps in order that they can pay their rent or pay their utilities, horror stories like this from poor people who cannot afford the sacrifice because of the so-called fiscal conservatism that we hear rampant throughout this Congress.

A few months ago we received poverty statistics from the Census Bureau which reported that 14.4 percent of the American population lives in poverty. That is about 35 million people in this country. We know there is a definite link between poverty and hunger and these census figures confirm that a consistently high number

of low-income Americans remain vulnerable to hunger. In a country like ours, we cannot afford to not feed people, we cannot afford to cut programs.

In fact, we need more. I would like to come here and advocate more food stamps; but within the fiscal constraints of our budget that we have already dealt with, and I happened to vote against it, too, because we spend \$10 billion more for military expenditures than we did for human services, than we did trying to feed and house the poor of our Nation; little children that we have benefited in the Mississippi Delta that the gentlewoman from New Jersey and the gentleman from Missouri both visited with me, when we went to Mississippi and we saw those poor, desperate children. We saw them suffering.

We heard from doctors who said that there was rampant anemia, which is the first sign of hunger and malnutrition. We heard from the people in the programs saying that we just do not have enough food. We heard from the white poor senior citizen who said to us that she had to sacrifice certain things because she did not have enough food stamps to last her through the months.

Mr. Chairman, I envision a day when there is no more hunger in America, a day when no child or adult in the United States need face the prospect of going without food. This is not a fantasy for me. When I go home to my district, I see poor people. I live with them.

The infant mortality rate in the black community in this country is twice as high as it is in the white community. Why is that? It is because we have a disproportionate number, a higher poverty rate in the black community. We do not have adequate food to feed those young potential mothers in the WIC program and in the food stamp program. These people are suffering.

Our children in the black and Hispanic and native American communities throughout this land and even the poor white communities are suffering from the ramifications of this hunger. Eventually their minds are affected and they become burdens on our society and we pay for them in billions of dollars in the future.

This amendment is not even cost effective. We might save a few million dollars here, but in the long term we are going to pay for it.

We have got to feed the hungry of this Nation and we cannot do it by claiming that we are going to save this amount of money because we are paying so much on our debt, so much interest on our debt.

This hurts me. I have an empathetic perspective on hunger. I grew up in a poor community. Now, I do not want to tell a good "old boy" story, but my

people are suffering. People in Appalachia are suffering and we have got to do something about this.

We cannot afford to have this amendment pass. We have got to help our chairman, the gentleman from California [Mr. PANETTA] to save these titles. Too much fiscal concern is overshadowing the real human concerns that we ought to have for the people in our country.

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may require.

I want to first of all say to my dear friend, the gentleman from Texas, the chairman of the Select Committee on Hunger, that I do not disagree with anything the gentleman has said about the problems that need to be addressed; the problems of infant mortality and the other problems that the gentleman raises, I share his concern for them, but they are not going to be cured any more by what the gentleman from California [Mr. PANETTA] has in the committee bill than they would be by my amendment.

More money for food stamps is not the answer or the cure for infant mortality and the other socioeconomic problems that the gentleman from Texas raises, and while I appreciate his impassioned plea, I do not think they really speak to the subject of my amendment.

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to my friend, the gentleman from Texas.

Mr. LELAND. Mr. Chairman, does the gentleman understand that feeding pregnant women feeds the child that that pregnant woman is bearing and that in fact is the very essence of how we solve problem of low birth weight and eventually the problem of infant mortality?

Mr. EMERSON. Mr. Chairman, if I may reclaim my time, indeed I do; but what I am saying is that the solution to that is not simply an increase in food stamps. It is a matter of education and a lot of other factors relating to nutrition that need to be addressed.

The gentleman and I have explored also in the Select Committee on Hunger the need for the one-stop shopping for people who are in need.

□ 1450

Mr. LELAND. But when they stop, then they cannot find the adequate food stamps that they have and it does not help at all, does it?

I understand the gentleman's concern for trying to streamline programs in the Government.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. If I may reclaim my time, I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to say, in consideration of my dear friend, the gentleman from Texas, and the point that he is making, but also the point that the gentleman from Missouri is making, of course, we are not solving the total problem of hunger here, but the two particular issues that the gentleman referred to, one in Mississippi and specifically the WIC Program, are not under this food stamp bill.

We most generously funded the WIC Program in reauthorization just within the last month. The problem of AFDC is as much a State problem in the particular situation. They are interrelated, of course, but they are not this gentleman's amendment.

Mr. LELAND. If the gentleman will yield further, I would just like to clarify my position on the issue.

When we went to Mississippi, the people talked about the need for more WIC funding and the need for more food stamp funding. They were talking about inadequate services to the little children in particular, if the gentlewoman will remember. I am not confused on the issue.

Mrs. ROUKEMA. For our colleagues, I want them to know that we are not talking about WIC and we are not talking about AFDC in the amendment of the gentleman from Missouri [Mr. EMERSON]. We are talking about food stamps.

Mr. LELAND. We are talking about food stamps.

Mr. EMERSON. Mr. Chairman, if I may reclaim my time, let me say that my amendment does permit a COLA increase. We are, with my amendment, going to permit a full COLA increase in food stamps. My amendment does not cut anything. Nothing.

Mr. PANETTA. Mr. Chairman, will the gentleman yield on that point?

Mr. EMERSON. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has said it over and over again, and it is simply not true. What he has done is selectively chosen between the pluses and the minuses in the legislation. He got rid of the pluses, he accepted the minuses, and what he has are cuts.

Mr. EMERSON. Let me say to the gentleman, they may be cuts from the budget adopted by the House but they are not cuts from the program. We have to keep our terminology straight here.

What we do not do is add the add-ons in my amendment. We do not cut. We just do not add the add-ons that are in the committee bill.

In response to the gentleman from California [Mr. ROYBAL] I want to say that the elderly are provided a maximum asset allowance of \$3,000. In addition to the \$3,000, the food stamp



participants may, this is all included, keep their home and their property regardless of acreage, household goods, furniture, appliances, cash value of life insurance policies, pension funds, all cars used for producing income, and irrevocable trust funds.

This amendment does not cut. It is like the old argument going back to 1981 when they said we were cutting. We were not cutting anything. We were restraining the rate of growth and that is what my amendment does right here. We permit the COLA but we restrain the rate of growth.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I have asked the gentleman this question before since it was of concern to me.

Suppose the economy gets worse, I ask the gentleman from Missouri. What will happen to those additional people that will be in need, not presently on the food stamp rolls but who will be in need? Is it not correct under the gentleman's amendment that they will be entitled and included under his amendment?

Mr. EMERSON. That is absolutely correct. If you qualify, you qualify, and in that case which the gentlewoman suggests, I suppose the ultimate result would be that we would have to ask for a supplemental.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO] a member of the Select Committee on Hunger.

Mr. FAZIO. I thank the gentleman for yielding this time to me.

Mr. Chairman, in addition to the Select Committee on Hunger, I also happen to serve on the Committee on the Budget and I want to begin my brief remarks by attesting to the fact that this was a clearly and fully debated issue in the conference that we had with the other body. In the adoption of the budget resolution, we clearly left this one domestic initiative contained in the House resolution, intact.

In concert with the Senate, we decided that the hunger problem that is so clearcut in our country needed to be attacked. It is understood that there would be a small increase in this year's domestic spending agenda for this purpose. In fact, the amendment offered by the gentleman from Missouri [Mr. EMERSON] would reduce below the current services baseline, and that is what I think he is referring to when he talks about COLA's, spending for food stamps over 5 years by \$543 million. We are not keeping pace here. We are cutting below the level required to keep on doing the same job—moderate as it may be—next year.

□ 1500

We are cutting below the level projected for 1986 by \$200 million. That is the total reduction in the Emerson amendment, a \$200 million reduction over the legislation that passed this floor overwhelmingly, authored by the gentleman from California [Mr. PANETTA] and cosponsored by a broad, bipartisan consensus in this body. And these numbers are attested to by the Congressional Budget Office.

Why were we so much together on this issue? Because the data is clear. In Chicago, in Massachusetts, in Minnesota, not the poorest places in this country, studies show a clear increase in infant mortality, low birth weight children, tremendous health problems with cost implications for the taxpayers of this country in the years ahead. The gentleman from New York [Mr. GILMAN] can make this point more clearly.

But I want everyone to understand that half of the people who get food stamps are children. We are currently finding that only 19.8 million people use food stamps when, in fact, there are 33.8 million Americans living in poverty. You can assume that half of the 14 million people who are eligible and not receiving food stamps today are children.

If we want to make a good investment in the future of our country, let alone in the future of the taxpayers who support it, we should begin by adopting the bill as adopted last year and again this year.

As a member of the Select Committee on Hunger and chairman of the Budget Task Force on Income Security, I have heard testimony from State and local health and welfare officials attesting to the growing numbers of American families whose daily diets are nutritionally deficient. Hunger in our country does exist and if we do not take steps to ensure that low-income families are provided with the means for adequate nutrition then hunger will persist in America.

The amendments proposed by the gentlemen from Missouri to maintain the Food Stamp Program under current law and to allow each State to operate its own food stamp program will drastically push back efforts to end hunger in this country. Food stamp eligibility determination would not be updated to reflect the real cost of living for the poor and many needy American families could be cut off the Food Stamp Program.

The President's Task Force on Food Assistance (1984) reported that:

The recessions of the past have resulted in an increase in the number of "new" poor families, many of whom are needy but have assets which disqualify them from eligibility to the food stamp program.

H.R. 2100 includes provisions recommended by the Task Force for providing food stamps to the new poor. The proposed amendment goes against the President's Task Force recommendations.

Millions of needy Americans are, under current law, unserved by the Food Stamp Program: Participants in the Food Stamp Program total 19.8 million, however, right now 33.7 million Americans are living in poverty.

If the Federal Government were to relinquish its national responsibility for the Food Stamp Program to the States—the Emerson optional block grant proposal—then those States unable to absorb the burden of the program due to unsteady economic conditions would be forced to reduce benefits and/or cut needy persons from the program.

Food is a basic human need. Access to adequate food should remain a right for every American. Any effort to reduce the Federal Government's commitment to this right would be an immoral catastrophe in our land of plenty.

Mr. EMERSON. Mr. Chairman, I have no further requests for speakers at this time and would reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 2½ minutes to the gentleman from New York [Mr. GILMAN], a member of the Select Committee on Hunger.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the Emerson amendment and I commend the gentleman from California [Mr. PANETTA] for his efforts in support of the Food Security Act.

Mr. Chairman, as a member of the Select Committee on Hunger, I have become acutely aware of the long-term consequences of hunger and malnutrition at home and abroad. I do not believe we can support a more worthy policy than assuring minimum nutrition to American families.

I am objecting to the Emerson amendment and urging my colleagues to vote against it for several reasons: First, the amendment eliminates the slight benefit increases adopted by the Agriculture Committee that will help the poor and unemployed feed their families. Second, the Emerson amendment would cut the Food Stamp Program below current services by approximately \$550 million in fiscal year 1990. Third, it would seriously affect poor children, single parents, the frail elderly, and other vulnerable groups by not recognizing extraordinary expenses for energy assistance, for child care, shelter, or burial savings in computing benefits against a meager budget.

The Agriculture Committee bill is modeled after the recommendations of the President's 1984 Task Force on Food Assistance and is similar to the Hunger Relief Act which passed with overwhelming bipartisan support in the House in 1984. The Emerson amendment deletes those provisions that was designed to ensure basic food benefits to keep pace with the costs of food in the next 4 years.

There is significant evidence that the problem of hunger in the United States is not new, nor is it diminishing. Health indicators such as infant mortality and low-birth weight are on the rise in rural America. Growth stunting among urban, poor children due to inadequate nutrition is also common today. The postneonatal death rate is on the upswing nationally for the first time in 20 years, and it is largely attributed to inadequate prenatal nutrition and care.

The overall affect of this vote will determine whether we make progress in combating hunger, malnutrition, and related health problems in our own Nation in the future. Accordingly, I urge my colleagues to vote against gutting the antihunger effect of H.R. 2100 and to vote in opposition to the Emerson amendment.

Mr. EMERSON. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding. As I supported the amendment in committee, I will support the gentleman's amendment on the floor. I think it is important.

I do not look at defense spending or spending for farm programs or others in comparison with the Food Stamp Program. I do not feel we are taking money from the Food Stamp Program and giving it to the Defense Department or any other agency. I think we have got to look at spending levels as they are and as they appear under each program.

This amendment does not call for a freeze at last year's level. It allows for cost-of-living adjustments. We are allowing for cost-of-living adjustments in other programs. It allows it to go up and it allows new increases of participants to come onboard.

I strongly support the amendment of the gentleman. I would have to look closely at it if it froze at last year's levels, but in fact, it does not. And I thank the gentleman again. I would like to reiterate the fact that it is not a freeze, it is not a cut, it is simply allowing the program to continue as was and not add those additional increases on.

I think while I did vote for the budget, there are many areas that under that budget resolution I may vote to cut the funding below that level. I do not believe we have got to limit it to that level, and if we can cut and save additional spending, I think we should do so. I do not believe we are cutting this program, or adding it to defense, or cutting this program and adding it to something else. I think we have to look at every potential program and to cut in the areas where we can. I think we can potentially make some changes here that will allow this program to still operate efficiently.

I appreciate the gentleman's amendment and will support it.

Mr. EMERSON. I thank the gentleman for his comments.

Mr. PANETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, I rise in opposition to the amendment, of course. Everybody, everybody wants spending cut, and I want it cut, too. But I do not want it cut on the backs of those who are the least powerful in this Nation. It is just not decent, it is not right.

Today the U.S. Catholic bishops issued a statement trying to call the attention of this Nation to poverty in our midst. While I am glad they did that, I am somewhat ashamed that here in this House, where we should be representing all of the people, we did not take the initiative on this. We did not take the initiative in addressing poverty.

No, we took the initiative in banging it on the backs of the poor, those who are the poorest, the more powerless, those without a voice, time and time again in the budget process over the last 4 years, those who have suffered the most, not the military budget, not those favored programs of people, but you bang on the poor, and the alienated, and those in desperate straits in this country.

The other thing that annoys me so much is that we have the gift of glib words to try to cover over with words the real things that we are doing. This is a cut. Spell it out any other way you want to, it is a cut.

The argument has been raised that somehow or another all that we are doing is preventing some add-ons. Well, even if that were true, when the condition changes and the need arises, is it not the responsibility of this House to address that need?

No, let us just kill this amendment, for the Lord's sake. It is time to stop banging and flogging the poor of this Nation in the name of deficits. Let somebody else contribute to the deficit reduction.

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may require.

You know, it strikes me that we can call a duck a giraffe, but that does not make it one.

Now, all I hear is cut, cut, cut. This is not a cutting amendment. We do not permit the increase for Puerto Rico. We stabilized the grant for Puerto Rico at a set amount per year over the next 5 years, and somehow that is construed as a savings of \$208 million.

But the fact of the matter is my amendment would permit a COLA, it would permit increases in the cost of deductions. We just do not add the add-ons. It is not cutting.

As I said earlier, it is like the argument back in 1981 when we were not

cutting, we were restraining the rate of growth essentially, and that is what we are doing here.

I reserve the balance of my time.  
Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, I rise in opposition to the amendment. I know that it is well-intentioned and that it is offered in the hope of saving money.

I think it is important to realize what we are doing here. There were tradeoffs made, in this bill this year. Some things were cut which I did not exactly agree with in order to provide funds for other purposes.

What does this amendment do after those tradeoffs have been made? It takes the benefit side of the tradeoffs and eliminates them.

Depending on how you look at it, that may or may not be a cut in spending. If you make a deal in which you are going to give something, and take away something, and then you take away what you have given, it is not a very good deal. This is particularly true for those who are trying to see some improvements in the Food Stamp Program in this bill.

As already pointed out, this bill as reported by the committee is substantially the same as the Hunger Relief Act of 1984. Anybody, in this body concerned about consistency who would like to say what I voted for last year when it comes time to implement it, I did what I said I was going to do, should be very concerned about were they in favor of this amendment.

Also, it has been pointed out that there are a lot of confusing statistics being bounced around here. Let us take a look at a family of four, with income at the poverty level, average benefit, not the overall average benefit. There is a big difference. Let's take a look at what has happened to the average family. Such a family of four over the last 4 years has fallen behind relative to current services. In fact, the CBO says that this year we are about \$2 billion behind current services when compared to 1981.

Furthermore, the Physicians Task Force on Hunger did a recent study showing that up to 20 million Americans go hungry each month. This is an intolerable situation.

In H.R. 2100, we have authorized slight increases in the Food Stamp Program to help stem the rising tide of hunger. This bill makes adjustments in the thrifty food plan formula so that it better reflects the true cost of food for our neediest citizens. It authorizes the first increase in the overall asset limitation level since it was established in 1971 and provides greater incentives for food stamp recipients to work by returning the earned income deduction allowance to 20 per-



cent. This bill also extends the authorization for pilot projects allowing seniors in several States, including Vermont, to continue cashing out their food stamps.

During the Agriculture Committee markup of this bill the committee joined with me to correct a longstanding inequity in the eligibility determination process. As you know, a high proportion of seniors living alone are below the poverty level. In 1982, 15 percent of all elderly were below the poverty level. Twenty-eight percent of the seniors living alone had incomes below the poverty level. Even higher proportions of elderly women and a majority, 66 percent, of black women living alone were below the poverty level. In Vermont, over 70 percent of the elderly poor live alone or with unrelated individuals. Clearly the elderly living alone are in need of assistance.

In recognizing that seniors have special concerns and expenses, higher resource limitations for food stamp eligibility purposes have been established. In existing law, the asset limitation level for households with two or more members, one of whom is age 60 or over, is \$3,000. All other food stamp households have a far lower asset threshold. In other words, seniors living alone are currently ineligible for the higher elderly asset level. A very simple provision in H.R. 2100 corrects this inequity.

All in all, H.R. 2100 authorizes an additional \$155 million for the Food Stamp Program in 1986. There is no doubt in my mind that his increase is both necessary and fully justified. In my home State of Vermont I see families who must regularly tap the resources of emergency food shelves and soup kitchens because they are unable to feed their children during the final week of the month. A recent report released by the U.S. Conference of Mayors shows that the number of families and children requesting emergency food aid increased by over 35 percent in 1984. I have constituents who call my district offices, literally in tears, when they find that, due to a weekend or holiday at the end of the month, their stamps will arrive a day or two late. I am particularly concerned about seniors and disabled individuals, unable to leave their homes, that have little access to outside food resources once they have exhausted their food stamps. Living on the edge in this way has become all too commonplace across the country. I urge my colleagues to join me in supporting the important increases in food stamp benefits contained in this bill. Action is needed now to help mend the growing holes in this vital safety net program.

While I support this bill, there are problems that this legislation does not address. One area where I have a great deal of concern is in our current food

stamp quality control system. As you know, in 1980 Congress established, and in 1982 stiffened, a quality control system that makes States financially liable for errors resulting in benefit overissuances. Starting this year, fiscal year 1985, States have a 5-percent target error rate. Errors in excess of 5 percent will result in fiscal sanctions that will take a hefty chunk out of many States' administrative budgets. In fact, if error rates for 1985 remain at 1983 levels, most recent data available, almost every State would be faced with a sanction. Even if error rates continue their downward trend as projected by both the CBO and USDA, States will still be assessed \$69.5 million for fiscal year 1984 and over \$198 million for fiscal year 1985.

There should be no complacency over errors in any Federal program and it is imperative that we continue to work to improve the administration of the Food Stamp Program. If our goal is indeed to improve quality however, imposing higher and higher fiscal sanctions at the same time that States are lowering their error rates just does not make sense. Shifting administrative costs from Federal to State coffers under the guise of quality control is at best irresponsible and at worst could actually jeopardize adequate administration of the Food Stamp Program in States that cannot afford to pick up this slack.

This is a problem that is not going to go away by itself. I believe that reforming our current quality control system should be a priority for the Agriculture Committee and the House as we continue to work on improving the Food Stamp Program.

As a final point, I strongly support the purposes outlined in the food stamp title of this legislation.

I would urge Members to carefully weigh this bill and to vote against this amendment. The bill as it stands is an attempt to balance the needs of people in urban areas as well as people in rural areas. If we adopt this amendment, we will unbalance this bill.

Mr. EMERSON. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank my colleague. I just wanted to comment on the consistency aspect of this.

I do not view the issue the same as H.R. 5151, but I do know that when the 92 group of moderate Republicans adopted their budget this year, this was the precise program for food stamps, current services plus an allowance for inflation. That is what the basis of the 92 group budget was.

So if we are looking for consistency, that is one area we should look at. It was very precise.

Mr. PANETTA. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would state that the gentleman from Missou-

ri [Mr. EMERSON] has 4 minutes remaining, and the gentleman from California [Mr. PANETTA] has 2½ minutes remaining.

Mr. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. CHAIRMAN. The Chair would state to the gentleman from Missouri that the gentleman from California [Mr. PANETTA] has the right to close the debate.

The EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, I would say that the bill before us today simply is not H.R. 5151 that passed last year with my support. It is very significantly different.

There was no permanent change to the thrifty food plan in H.R. 5151. There is one in H.R. 2100 at a cost of almost \$500 million by 1988.

The shelter dependent care deduction was not separated in H.R. 5151 and allowed to more than double. In H.R. 2100, there is almost a 150-percent increase in these deductions.

So I would just repeat for emphasis that my amendment is not a cutting amendment. It just does not add the add-ons, and it is a responsible amendment that gives a full COLA for the cost of food as anticipated under the law, and a full COLA for allowable deductions.

It just does not add the add-ons, and I think Members ought to be critically aware of that fact. It is not, as it has been described, a cutting amendment at all.

I would go back to repeat that in the debate in the budget over Social Security, it was not, are we going to expand Social Security or are we going to have a COLA. It was, is there going to be a COLA or is there not going to be a COLA.

The debate here today is, is there going to be a COLA or is there going to be a vastly expanded food stamp program. I submit that we ought to vote for the Emerson amendment, permit the COLA and the deductions, but not expand the program at this critical time, considering the deficits that we face.

I reserve the balance of my time.

□ 1515

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, I respectfully ask my colleagues, once again, to stay with the committee. I want to mention something very briefly about food stamps; that there is still some talk and some insinuation that somehow

they are bad, that there is too much fraud and abuse. I want to categorically state to you that if any person receives food stamps that he is not entitled to, only two things could have happened: The person did not tell the truth, or someone made a mistake. Otherwise, we have got the rules drawn so tight that no one can categorically state that they can abuse the program.

Second, we are getting bogged down too much with figures here, but I think I can simplify the numbers: Had it not been for the cuts of 1981 or the change in the legislation in 1981 and 1982, we would be at 100. But we are at 50. So we add on trying to get to about 80. The gentleman from Missouri says that the amendment does not cut. We are not cutting; but we are not at the 100 I spoke of. What the committee bill does is try to get up to the 80 and the amendment keeps us at the 50, COLA and everything. That is the gist of it.

The fact is also that we cannot legislate in a vacuum on this type of legislation. We made our cuts, nearly \$8 billion, in the committee. The whole bill saves a net of \$7.9 billion; but we balance spending and savings; we balance the bill. We add here on the food stamp, but cut in another area. Our bill is balanced. You cannot strike out solely at the poorest of the poor just because the committee added a little bit. It is true that we added, but we add to bring the program back up to 80, we did not try to go to the whole 100, to restore the program to 100 percent of pre-1981 levels. I wish that somehow we would not even need food stamps. This is the greatest country in the world. We should not be talking about feeding hungry people, but they are there, they are out there in my area, in rural America, and in your area, in the inner cities. That is where they are at. We should not say, "No," to them at this time.

Mr. EMERSON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. EMERSON. No; I reserve my time, Mr. Chairman.

#### PARLIAMENTARY INQUIRY

Mr. EMERSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EMERSON. Mr. Chairman, my understanding is that this division of time relates to the entire title of the bill and there may be other amendments. Would my reservation of time apply to the other amendments?

The CHAIRMAN. As the Chair stated a few minutes ago, the gentleman managing the bill on behalf of the committee has the right to close debate on the amendment.

Mr. EMERSON. I understand.

The CHAIRMAN. Is the gentleman's question that if he reserves the 2 minutes, he will have an additional 2 minutes on an amendment that may be forthcoming?

Mr. EMERSON. Yes, Mr. Chairman. The CHAIRMAN. That is appropriate.

Mr. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I rise to close on this amendment, and I yield myself the remaining time.

The CHAIRMAN. The gentleman from California [Mr. PANETTA] is recognized for 30 seconds.

Mr. PANETTA. Let me say very simply this program has taken its cuts; \$2 billion a year were cut from the program over 4 years. What we try to restore here is about 20 percent in terms of many restorations that were recommended by the President's Commission on Hunger.

Let me also say that the people that we hurt will involve long-run costs in the future. If we do not provide adequate nutrition now, we will pay for it in increased Medicaid costs, in increased costs in terms of education.

Vote against this amendment. We need to invest in the future.

Mr. FUSTER. Mr. Chairman, I rise in opposition to Congressman BILL EMERSON's amendment to H.R. 2100 which would have a very detrimental and discriminatory effect on the needy American citizens of the Commonwealth of Puerto Rico whom I represent in Congress. This amendment would, among other things, freeze for an additional 5 years the current funding level of the Nutritional Assistance Program of Puerto Rico [NAP], which was established in 1982 in lieu of food stamps and which has been frozen since then at a level that represented a cut of 25 percent of the amount Puerto Rico was getting under the National Food Stamp Program.

My opposition to the Emerson amendment stems from my concern that the growing erosion in actual buying power of the poor in Puerto Rico due to the accumulating effects of inflation over a 9-year period will have a very adverse and highly discriminatory impact upon my already very disadvantaged constituents.

Right now, the maximum nutrition assistance benefit to needy families in Puerto Rico is only 72 percent of what is paid to a food stamp family on the mainland, this in spite of the fact that Puerto Rico has substantially higher food costs, and despite the fact that needy families in Puerto Rico have substantially lower incomes and lower levels of other Federal assistance than comparable families on the mainland. The Emerson amendment would, in effect, result in a further, severe cutback of the food assistance benefits in Puerto Rico, since it would keep the 1982 cap through 1990, and deny us even a nominal increase to partially offset rising food costs.

According to CBO estimates, if the Puerto Rican program remains frozen indefinitely, as Mr. EMERSON proposes, the

overall benefit reduction for my needy constituents will reach about 40 percent by fiscal year 1990. In other words, two of every five food assistance dollars will have effectively disappeared in the Puerto Rican program if the Emerson amendment prevails. While the National Food Stamp program has been enjoying yearly increases to account for inflation, the Puerto Rican program has been suffering yearly reductions. There is a very large gap between what needy Puerto Ricans get in nutrition assistance and what their counterparts in the mainland get yet the Emerson amendment would keep that unfair gap growing. The poor in Puerto Rico get an increasingly inadequate amount of funds for food assistance and yet the Emerson amendment would further cut back the benefits they receive.

This is why the Agriculture Committee of the House, in providing for an update in NAP funding levels to partially reflect increased food costs, stated, and I read from its report on H.R. 2100 (Rept. 99-271, part 1)

The Committee believes that a continued freeze in authorized funds for the NAP would impose an inequitable burden on the poor in Puerto Rico. Without an increase to reflect changes in food prices, Puerto Rico would be forced to further reduce benefits and limit eligibility. In the view of the Committee, Puerto Rico has already borne significant reductions in its primary food assistance program. Any further cuts in spending authority could impair the nutritional status and long-term health of its population. The Committee thus supports nominal increases in the authorization ceiling for the Puerto Rico Nutrition Program to reflect changes in food prices.

Mr. Chairman, let me stress the multifaceted nature of our predicament: First, we begin with a lower level of nutrition assistance; second, then, in addition, we have had no indexing for inflation even though food prices go up every year in Puerto Rico just as they do in the mainland; third, our food costs are much higher in Puerto Rico than in the mainland, and further, the poor in Puerto Rico are in fact not only poorer than those in the mainland, but also have less access to other sources of help than those in the mainland. Currently, for example the maximum income allowed to a needy family to qualify for NAP is \$8,000 a year while a comparable mainland family may qualify for a higher food stamp benefit even with income as high as \$13,260 a year. Likewise, my constituents are either not eligible or else receive substantially less amounts of funds in Federal programs such as the Supplemental Security Income, AFDC, Medicaid, and other programs that help the disadvantaged.

The bottom line, Mr. Chairman, is that poor American citizens who live in Puerto Rico are not only much worse off than those in the mainland, but also that the food assistance they get is grossly inadequate to meet their nutritional needs.

The nominal increase in funds authorized by the Agriculture Committee which Mr. EMERSON opposes will help insure that the nutritional status and long-term health



of the Puerto Rican needy will not be further impaired by more cuts in the actual buying power of their food assistance program. Its defeat will prevent that large gap which already exists between the needy in Puerto Rico and those on the mainland from further disproportionate widening.

I urge you to oppose Mr. EMERSON's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. EMERSON], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. EMERSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 238, not voting 25, as follows:

## [Roll No. 338]

## AYES—171

Archer	Gunderson	Pashayan
Army	Hammerschmidt	Penny
Badham	Hansen	Petri
Barnard	Hartnett	Porter
Bartlett	Hendon	Quillen
Barton	Henry	Regula
Bateman	Hiler	Ritter
Bates	Hillis	Roberts
Bennett	Holt	Robinson
Bentley	Hopkins	Rogers
Bereuter	Hunter	Roth
Bilirakis	Hutto	Roukema
Bliley	Hyde	Rowland (CT)
Boehlert	Ireland	Rudd
Boulter	Kasich	Saxton
Broomfield	Kemp	Schaefer
Brown (CO)	Kindness	Schuetz
Broyhill	Kolbe	Schulze
Burton (IN)	Kramer	Sensenbrenner
Byron	Lagomarsino	Shaw
Callahan	Latta	Shumway
Campbell	Leach (IA)	Shuster
Carney	Leath (TX)	Siljander
Chandler	Lent	Skeen
Chappell	Lewis (FL)	Skelton
Chappie	Lightfoot	Slaughter
Cheney	Livingston	Smith (NE)
Coats	Lott	Smith, Denny
Cobey	Lowery (CA)	(OR)
Coble	Lujan	Smith, Robert
Coleman (MO)	Lungren	(NH)
Combest	Mack	Smith, Robert
Craig	Madigan	(OR)
Crane	Marlenee	Snyder
Daniel	Martin (IL)	Solomon
Dannemeyer	McCain	Spence
Daub	McCollum	Stallings
DeLay	McEwen	Stangeland
DeWine	McGrath	Stenholm
Dickinson	McKernan	Strang
DioGuardi	McMillan	Stump
Dornan (CA)	Meyers	Sundquist
Dreier	Michel	Sweeney
Dyson	Miller (OH)	Swindall
Eckert (NY)	Miller (WA)	Tauke
Edwards (OK)	Mollinari	Taylor
Emerson	Monson	Thomas (CA)
Evans (IA)	Montgomery	Vander Jagt
Fawell	Moore	Volkmer
Fiedler	Moorhead	Vucanovich
Fields	Morrison (WA)	Walker
Frenzel	Myers	Weber
Gekas	Nichols	Whitehurst
Gibbons	Nielson	Whittaker
Gingrich	O'Brien	Wolf
Goodling	Oxley	Wyllie
Gregg	Packard	Young (FL)
Grotberg	Parris	Zschau

## NOES—238

Akaka	Anderson	Annunzio
Alexander	Andrews	Anthony

Applegate	Gaydos	Obey
Aspin	Gejdenson	Olin
Atkins	Gephardt	Ortiz
AuCoin	Gillman	Owens
Bedell	Glickman	Panetta
Beilenson	Gonzalez	Pease
Berman	Gordon	Pepper
Bevill	Gradison	Perkins
Biaggi	Gray (IL)	Pickle
Boggs	Gray (PA)	Price
Boland	Green	Rahall
Boner (TN)	Guarini	Rangel
Bonior (MI)	Hall (OH)	Reid
Bonker	Hall, Ralph	Richardson
Borski	Hamilton	Ridge
Bosco	Hatcher	Rodino
Boucher	Hawkins	Roe
Boxer	Hayes	Roemer
Breaux	Hefner	Rose
Brooks	Heftel	Rostenkowski
Brown (CA)	Hertel	Rowland (GA)
Bruce	Horton	Roybal
Bryant	Howard	Russo
Burton (CA)	Hoyer	Sabo
Bustamante	Hubbard	Savage
Carper	Huckaby	Scheuer
Carr	Hughes	Schneider
Chapman	Jacobs	Schroeder
Clinger	Jeffords	Seiberling
Coelho	Jenkins	Sharp
Coleman (TX)	Johnson	Sikorski
Collins	Jones (NC)	Sisisky
Conte	Jones (OK)	Slatery
Conyers	Jones (TN)	Smith (FL)
Cooper	Kanjorski	Smith (IA)
Coughlin	Kaptur	Smith (NJ)
Courter	Kastenmeier	Snowe
Coyne	Kennelly	Solarz
Crockett	Kildee	Spratt
Davis	Klecza	St Germain
de la Garza	Kolter	Staggers
Dellums	Kostmayer	Stark
Derrick	Lantos	Stratton
Dicks	Lehman (CA)	Studds
Dingell	Lehman (FL)	Swift
Dixon	Leland	Synar
Donnelly	Levin (MI)	Tallon
Dorgan (ND)	Levine (CA)	Tauzin
Dowdy	Lipinski	Thomas (GA)
Downey	Lloyd	Torres
Duncan	Long	Torricelli
Durbin	Lowry (WA)	Trafiac
Dwyer	Lukens	Traxler
Dymally	MacKay	Udall
Early	Manton	Valentine
Eckart (OH)	Markay	Vento
Edgar	Martinez	Visclosky
Edwards (CA)	Matsui	Walgren
English	Mazzoli	Watkins
Erdreich	McCloskey	Waxman
Evans (IL)	McCurdy	Weaver
Fascell	McDade	Weiss
Fazio	McKinney	Wheat
Feighan	Mica	Whitley
Fish	Mikulski	Whitten
Flippo	Miller (CA)	Williams
Florio	Mineta	Wilson
Foglietta	Mitchell	Wirth
Foley	Mollohan	Wise
Ford (MI)	Moody	Wolpe
Ford (TN)	Morrison (CT)	Wortley
Fowler	Murphy	Wright
Frank	Murtha	Wyden
Franklin	Natcher	Yates
Frost	Neal	Yatron
Fuqua	Nowak	Young (AK)
Gallo	Oakar	
Garcia	Oberstar	

## NOT VOTING—25

Ackerman	Lundine	Ray
Addabbo	Martin (NY)	Rinaldo
Barnes	Mavroules	Schumer
Clay	McCandless	Shelby
Darden	McHugh	Stokes
Daschle	Moakley	Towns
LaFalce	Mrazek	Young (MO)
Lewis (CA)	Nelson	
Loeffler	Pursell	

□ 1530

The Clerk announced the following pass:

On this vote:

Mr. McCandless for, with Mr. Barnes against.

Ms. MIKULSKI changed her vote from "aye" to "no."

Messrs. GROTEBERG, DELAY, NICHOLS, and VOLKMER changed their votes from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Was the amendment printed in the CONGRESSIONAL RECORD of September 24?

Mr. JEFFORDS. The amendment was printed in the RECORD, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 388, beginning on line 7, strike out "Low Income Home Energy Assistance Act (42 U.S.C. 8621 et seq.)," and insert in lieu thereof "Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) other than energy crisis intervention assistance provided under section 2604(a) of such Act."

Page 390, beginning on line 1, strike out "Low Income Home Energy Assistance Act (42 U.S.C. 8621 et seq.)" and insert in lieu thereof "Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.)."

Page 390, beginning on line 17, strike out "Low Income Home Energy Assistance Act (42 U.S.C. 8621 et seq.)," and insert in lieu thereof "Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) other than energy crisis intervention assistance provided under section 2604(a) of such Act."

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. Under the agreement, the gentleman is entitled to 5 minutes for his amendment. If there is opposition, the opposition is entitled to 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, let me explain what will occur. These are relatively important matters and they deal with the jurisdictions of more than one committee. First of all, I am offering this amendment for the sole purpose of entering into a colloquy with respect to the intent of certain provisions of the food stamp bill relative to an employment training program.

I then intend to offer three other amendments, one dealing with low-income home energy assistance and two dealing with the Job Training Partnership Act. I would ask the in-

dulgence of the Members for these amendments.

I would like to enter into a colloquy with the chairman of the subcommittee and the ranking Republican of the subcommittee, to clarify some of the issues relative to cooperation between the Job Training Partnership Act and the programs as set forth in this bill relative to training under the Food Stamp Program.

I would like to clarify an issue regarding the Employment and Training Program, section 1514 of this bill. I agree with the gentleman that one objective of this program should be to assist individuals who are receiving food stamps to become gainfully employed. It is clear that this section of the bill is necessary to implement effective and innovative training and job search programs for food stamp recipients in order to facilitate their move into unsubsidized jobs.

Am I correct in assuming though that the gentleman intends that these programs should not duplicate, where feasible, existing programs that could serve this population?

Mr. EMERSON. The gentleman is correct.

Mr. JEFFORDS. Is it also true that the gentleman intends that where feasible there should be coordination, not duplication of effort, between other available employment and training programs such as the Work Incentive Program, the Job Training Partnership Act, and the Employment Services?

Mr. EMERSON. The gentleman is correct.

Mr. JEFFORDS. Additionally, under other employment and training programs, labor market information is collected. Does the gentleman intend that this program utilize that information as it relates to this program?

Mr. EMERSON. I expect that States will use all available information in setting up employment and training programs in food stamp participants.

Mr. JEFFORDS. Further, if the services of other employment and training programs are utilized, does the gentleman intend that funds available under this section be used to provide these services?

Mr. EMERSON. States will make appropriate reimbursement to other agencies when employment and training services are utilized.

Mr. JEFFORDS. Finally, it is my hope that the report from the Secretary regarding the findings from these programs be made available to the Committee on Education and Labor in the House and the Committee on Labor and Human Resources in the Senate.

I thank the gentleman for his answers, and look forward to working with him during the conference on this bill to further refine these con-

cepts, and to strengthen the intent of this program.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding to me.

Mr. Chairman, the purpose of this program is to help certain food stamp participants move into regular employment by providing training and experience and improving the employability of the participants. It also allows the State to coordinate employment and training activities under both the Food Stamp and AFDC Programs.

A State will have considerable latitude in designing its program. State flexibility is important if the program is to succeed. Each State can designate other agencies to administer parts of its program, such as those agencies administering the Job Training and Partnership Act [JTPA] programs or State public employment offices. The program itself may encompass, at the discretion of a State, job search training and support programs, such as job finding clubs, training in employment techniques, job placement, or other training and support activities aimed at improving the employability of participants.

It is my intention that programs set up to help food stamp participants return to full-time employment be coordinated with all other employment and training programs for this group of people, including WIN, Job Training Partnership Act, and the Community Work Experience Program. In addition, should the food stamp agency use the services of these programs, appropriate reimbursement would be made. Should there be any further issues of coordination that need to be worked out, I am confident that these can be accomplished in conference.

Mr. JEFFORDS. Mr. Chairman, it is also my understanding that the chairman of the subcommittee has no objection to this colloquy.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

#### AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the CONGRESSIONAL RECORD of September 24?

Mr. JEFFORDS. The amendment has been printed, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 388, strike out lines 6 through 10.

Page 388, line 11, strike out "(ii)" and insert in lieu thereof "(i)".

Page 389, line 7, strike out "(iii)" and insert in lieu thereof "(ii)".

Page 390, strike out lines 9 through 20, and insert in lieu thereof the following:

(5) effective February 1, 1986, in clause (A) of the last sentence, striking out "\$35 a month" and inserting in lieu thereof "the lesser of \$35 a month or 5 per centum of monthly household income after any exclusions and before any deductions provided for in this section".

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, I offer this amendment on behalf of myself, the chairman of the Education and Labor Committee [Mr. HAWKINS] and the chairman of the Energy and Commerce Committee [Mr. DINGELL]. I rise to offer a small amendment to correct what I think is a serious problem with the bill as it was reported by the Agriculture Committee.

The bill as written would fundamentally alter the treatment of energy assistance payments for food stamp purposes. In stark contrast to congressional intent in reauthorizing the energy assistance program only last year, the bill before us would require, in some cases, that some people have their food stamp benefits cut because they received energy assistance benefits.

Congress never intended for this to happen, and I do not think that we should permit it to happen now. My amendment would simply strike the energy assistance language from the bill.

We often hear of people faced with the "heat or eat" dilemma. I can think of no instance when this dilemma has been clearer. I certainly do not think we should be in the position of sanctioning it.

Moreover, I am concerned that the Agriculture Committee's action strays into the jurisdiction of the other committee on which I serve, Education and Labor, and into that of the Committee on Energy and Commerce. I am joined in support of the pending amendment by my distinguished colleagues, Chairman HAWKINS and Chairman DINGELL, and the chairmen of each of the three subcommittees with jurisdiction over this issue. I am also joined by ranking Republican TOM TAUKE, who is lucky enough to serve on both the Education and Labor and Energy and Commerce Committees.

As I mentioned, Congress only last year reenacted the Energy Assistance Program and again included the language prohibiting energy assistance benefits from being counted as income or resources for any purpose under any Federal or State law. Despite this clear intent, the Department of Agri-



culture is currently trying to include energy assistance payments in the calculation of food stamp benefits.

To date, USDA's policy has been challenged in three courts. USDA has lost each case, and is prohibited in those States affected from enforcing this policy. I think the court's interpretations are correct, and I think they should ultimately be adopted nationwide. My purpose here is to allow the courts to continue to decide this issue, rather than allowing one committee, which is not the committee with jurisdiction over the energy assistance program, to decide the issue.

The amendment I am offering is not costly—only \$5 million in 1986 and \$20 million over 3 years—but it will correct a serious inequity in the bill. It has broad support, not only within Congress, but outside it as well.

Let's not force people to heat or eat. Let's continue to recognize energy assistance as a supplemental program. And let's not undo what we did only last year and what we will probably do again next year. Mr. Chairman, I urge my colleagues to give their full support to this amendment.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. PANETTA. Mr. Chairman, we have reviewed this particular amendment. This is obviously a complicated area in dealing with vendor energy assistance payments, but it would help clarify the situation with regards to those payments. I would like to accept the amendment, at least for the purpose of bringing it into conference in the hopes of clarifying this issue.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. EMERSON. Does the gentleman have a cost estimate on this amendment?

Mr. JEFFORDS. Yes. The first year cost would be \$5 million, and \$20 million over 3 years.

Mr. EMERSON. If the gentleman would yield further, this title currently has a price tag of \$22 billion over the life of the bill, and the gentleman wants to add \$20 million to that?

Mr. JEFFORDS. I want to put the law back where it is now which would result in a loss, and if you want to put it that way, of savings of \$20 million.

Mr. EMERSON. So this is another add-on to the committee bill?

Mr. JEFFORDS. If you want to put it that way, the gentleman is correct.

Mr. EMERSON. I thank the gentleman.

□ 1550

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. JEFFORDS].

The amendment was agreed to.

#### AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment which is identified as "JEFFORDS 006."

The CHAIRMAN. The Chair will inquire if the amendment has been printed in the RECORD.

Mr. JEFFORDS. Yes, the amendment has been printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 387, line 16, insert "for more than 6 months" after "participating".

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, although I do not believe that this amendment will be accepted, I want to explain it and make sure Members know what we are doing. I do not intend to ask for a record vote on the amendment, but I do believe it is important that we let everyone know what is happening here.

Three years ago we passed the Job Training Partnership Act. This bill is currently in force. It is working well. One of the provisions of that law is that if someone goes into training, for example, an on-the-job training program, the small amount of money that person receives while being trained is not counted as income for the purposes of determining food stamp eligibility. The reason for this provision is to insure that we do not discourage people from going into training in order to obtain employment. In H.R. 2100, one of the savings included in the bill changes this policy to now say, that if you do receive on-the-job training funds, you may lose your food stamps.

My amendment to H.R. 2100 is straightforward. It provides for a grace period of 6 months before the earnings of an individual participating in an on-the-job [OJT] training program under the Job Training Partnership Act [JTPA] are considered earned income for the purposes of the Food Stamp Program.

What is my intent in offering this amendment? To reduce the disincentive for participation in OJT programs that the current language in the bill creates for disadvantaged individuals.

This is an important concept, and I hope that the Members will pay attention, because this is really establishing a barrier in front of people who want to participate in job training. They will be faced with the situation of knowing that if they participate in on-

the-job training, they may well lose food stamp benefits.

First of all, this seems somewhat ironic and contradictory for the food stamp bill this year, to create a whole new training program to be run by the States. I have some problems with this contradiction. I hope we can work these differences out so that there will be coordination between Federal and State programs. But if the emphasis of this bill remains to put people to work on the one hand, and on the other hand to place a barrier for those same people to participate in on-the-job training programs, we are working at cross purposes which makes no sense. I would like to provide some perspective on the language contained in H.R. 2100.

The Job Training Partnership Act was enacted 3 years ago with the purpose of providing job training to economically disadvantaged individuals. Under the act, the private sector and local governments working with schools, employment service agencies and community based organization for example, develop programs that train program participants for unsubsidized employment. A local plan is developed which reflects the labor market needs, the education needs and the training needs of the area. From this assessment programs are provided to enable economically disadvantaged individuals to enter unsubsidized jobs. To date, 95 percent of the participants in JTPA programs are disadvantaged. The overall placement rate for those individuals who complete training is 68 percent. Secretary Brock recently stated, "JTPA has been the centerpiece of this administration's commitment to meaningful job training."

On-the-job training is one type of JTPA training program. It actively involves the employer in training and placement. Under JTPA, just about 25 percent of the participants are placed in OJT positions with a 78 percent, or nearly 4 out of 5, placement rate.

As a member of the Education and Labor Committee, I worked closely on the authorization of the Job Training Partnership Act. The section of that law—section 142(b)—that H.R. 2100 seeks to supersede was discussed thoroughly and included in JTPA for specific reasons. Those reasons include:

First, the rigorous limits placed on the percent of funds that can be utilized for support services and administrative costs under JTPA. The law mandates that 70 percent of the funds be used directly for the provision of training. There are no wages for trainees. This requirement is a radical departure from previous Federal employment and training programs. It was in part accepted by the members of the conference committee because JTPA was developed as a training bill, and other programs were available to pro-

vide the necessary support services to the program participants. I do not believe that the Members who worked on JTPA would have been so willing to adopt the strict limitation on support services if the participants were not going to be able to receive benefits from other Federal programs.

Second, the recognition that the participants in JTPA programs would continue to rely upon other sources of support while they were being trained. Language was included in section 142(b) to assure that allowances, earnings and payments under JTPA shall not be considered as income. We did not want to penalize individuals by their participation in training programs, and we did not want the threat of the loss of other forms of support for the whole family of these participants to be a disincentive to their participation. After all, the objective of participation in JTPA was to place the individual into an unsubsidized job—to become a productive, taxpaying citizen.

The current language in H.R. 2100 ignores the basic assumptions that we used in writing JTPA. Further, it ignores them with respect to the one training program—OJT—that most directly involves the private sector in the training process and that has the highest placement rate.

The language does not differentiate between adults and youth who participate in OJT. H.R. 2100 as it now stands would penalize the whole family of an economically disadvantaged youth who participate in OJT. How can we in good conscience create such a disincentive for participation in OJT when youth unemployment continues to be more than twice that for adults?

According to CBO, this provision in H.R. 2100 saves the Food Stamp Program \$28 million. This figure does not take into account the loss we will experience if fewer individuals participate in OJT programs. That loss cannot be measured.

My amendment allows participation in an OJT program under JTPA for 6 months before any earnings would be considered as income. This period of time would accommodate the time-frame during which most individuals are learning on the job. The 6 months is really not a working period, but rather a training period. They are not as productive in their jobs and they are utilizing employer time by requiring training and greater supervision. The employer is experiencing a loss in productivity, absorbing 50 percent of the costs of the program and providing necessary guidance. After this initial period, most trainees are contributing to the company rather than taking from it. They have learned the job and are productive workers. Without the incentive of the OJT funds, many employers would not take the risk of

hiring the disadvantaged. To penalize an individual for participating in a training program goes against the very purpose of JTPA. Without this amendment, H.R. 2100 may provide some short-term savings, but the long-term consequences could wind up being much more expensive.

I urge you to support this amendment.

Mr. PANETTA. Mr. Chairman, I reluctantly rise in opposition to this amendment, for several reasons.

One, because we try to apply consistent standards here. The fact is that while these are earnings, these earnings are counted against AFDC, and they are counted with regard to other programs as well, and that was the reason that we now count these full-time earnings with regard to food stamps.

In addition to that, these are as I stated full-time earnings. We do provide exceptions with regard to stipends, training allowances, and other education benefits.

And last, the full cost of this amendment would be about \$83 million over 3 years, and for all of those reasons, we would oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. JEFFORDS].

The amendment was rejected.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment, which is identified as "Jeffords 007."

The CHAIRMAN. The Chair will inquire, has the amendment which the gentleman is now offering been printed in the CONGRESSIONAL RECORD as of September 24?

Mr. JEFFORDS. The amendment has been printed in the RECORD, Mr. Chairman, and I ask unanimous consent that the reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. JEFFORDS: Page 387, strike out line 19 and insert in lieu thereof the following:

food stamp program, except in the case of any individual who is a youth, as defined in section 203(c)(1) of the Job Training Partnership Act, participating in any such program for a period not to exceed 6 months."

Mr. JEFFORDS. Mr. Chairman, I understand the rationale as to why my previous amendment could not be adopted. Although it was costly, I think what remains in the bill is bad policy.

I have a second amendment which may overcome some of the objections to my last amendment dealing with the JTPA deduction from income under section 1508. To date, youth

constitute 40 percent of the 1,125,000 participants served under the Job Training Partnership Act [JTPA]. Fourteen percent of those youth who participate are in on-the-job training programs [OJT]. The unemployment rate for youth continues to remain unacceptably high at 17.3 percent.

The language in this bill under section 1508 with respect to the income deductions and OJT participation under JTPA does not differentiate between adults and youth in its application. That is, if a youth participates in an OJT program under JTPA, the income earned is considered part of the family income for the purposes of determining food stamp eligibility. Therefore, by participating in an OJT program, a youth may trigger family ineligibility.

We should not place those young people who desire to participate in an on-the-job training program, in the position of having their families say, "You cannot go to work because if you go to work, your income will cut our benefits or deny us food stamp benefits."

This is not the kind of barrier that we want to put in front of our young people who want to learn how to work and obtain a job.

This amendment will make the bill consistent with the way we handle AFDC income under the summer youth employment program. I would hope that since this amendment is a relatively inexpensive one—\$8 million per year, \$24 million over 3 years—the Members would accept this amendment so that we do not deny an opportunity to young people who want to work.

My amendment has two purposes:

First, to specify that the definition of youth, for the purposes of this income deduction, is the same as that under JTPA.

Second, to allow participation in an OJT Program under JTPA for 6 months before any earnings received by a youth would be considered as income.

Without this amendment, we are discouraging young people from participating in OJT programs. Three out of four disadvantaged youth who complete training under OJT enter employment. To discourage their participation in training programs at this stage of their lives only assures that as adults these youth will be among those unemployed and dependent on Government assistance. Rather than discouraging participation in training programs, we must provide ways by which disadvantaged youth can become productive adults.

I encourage your support for this amendment.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?



Mr. JEFFORDS. I am happy to yield to the chairman of the subcommittee.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, on this particular amendment, it does deal with young people from age 18 to 21 who are in the Job Training Partnership Act, and that is one of the reasons I take a slightly different view of it, because it does involve young people who are trying to get jobs for the first time. This would give them that opportunity to be able to make it without having this count in terms of food stamp benefits.

There is some question as to whether it is consistent with AFDC, but there is some record that indeed this may be the practice with regard to AFDC and other benefits as well.

It does involve young people. There is a cost here of approximately \$24 million over 3 years. For that reason, I can assure the gentleman that it is going to be retained in conference, and I would like to take this amendment into conference, and then hopefully it would be helpful in terms of negotiating with the other body on the whole Food Stamp Program.

For that reason, Mr. Chairman, we would accept this amendment.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, could the gentleman give us a cost estimate on this amendment?

Mr. JEFFORDS. Yes. It would be \$8 million in the first year and \$8 million each year for 3 years altogether. So the amount is \$24 million.

Mr. EMERSON. So this is another \$24 million.

Mr. Chairman, I thank the gentleman from Vermont.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. JEFFORDS].

The amendment was agreed to.

□ 1600

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will inquire of the gentleman, has the amendment been printed in the RECORD as of September 24,

Mr. JEFFORDS. Yes, Mr. Chairman, this amendment has been printed in the RECORD as of September 24.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 390, line 8, insert the following before the close quotation marks.

A State agency shall consider payments made on behalf of a household under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) to be pro rated over the entire heating or cooling season, re-

gardless of the frequency with which such payments are made.

Mr. JEFFORDS. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. RAHALL TO THE

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. RAHALL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAHALL to the amendment offered by Mr. JEFFORDS: Section 1509(a) of H.R. 2100 is amended by adding the following new paragraph at the end thereof:

(6) After the last sentence insert the following: "All households shall be allowed a deduction for the actual and reasonable expenses, other than expenses paid on behalf of the household by a third party, paid for transportation of members of the household to and from school and for the purchase or rental of school books for such members."

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. EMERSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved on the amendment. There is no debate in order on the amendment.

Mr. PANETTA. Mr. Chairman, I ask unanimous consent that the gentleman from West Virginia [Mr. RAHALL] may have 2 minutes to explain the amendment to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. RAHALL] is recognized for 2 minutes on his amendment.

Mr. RAHALL. Mr. Chairman, I appreciate this opportunity to offer my amendment which will alleviate, to some extent, the burden that has been placed on food stamp recipients. My amendment, which will be effective as of October 1, 1986, will allow a deduction for the actual and reasonable expenses, other than expenses paid on behalf of the household by a third party, paid for transportation of members of the household to and from institutions of higher education in which such members are enrolled and for the purchase and rental of school books for such members, but not to exceed \$25 per month for each such member. I would like to note that it is my intent that this expense deduction be prorated over the school term that the student is enrolled for, just as other income for Pell grant recipients is prorated. While the terms of this amendment are quite restrictive due to my desire to comply with the cost restraints placed on the Agriculture

Committee and the entire House of Representatives, I believe that this amendment is much needed means of addressing a flaw in the Food Stamp Act of 1977 which penalizes low-income families when student loans are provided to pay for book and transportation costs incidental to attending school. I thank the distinguished chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, Mr. PANETTA of California, and the ranking minority member on the subcommittee, Mr. EMERSON of Missouri, for their assistance in this effort.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

This is an issue that we intend to take a look at in the subcommittee. It does involve some consistency with other benefits, but it is an area that frankly we have not looked at closely enough. It does involve about a \$73 million cost figure and for that reason we cannot accept it, but I appreciate the gentleman offering to withdraw the amendment at this time.

The CHAIRMAN. Does the gentleman from West Virginia [Mr. RAHALL] wish to withdraw his amendment?

Mr. RAHALL. Yes, Mr. Chairman. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia [Mr. RAHALL]?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN. Are there further amendments to title XV?

AMENDMENT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD as of September 24?

Mr. GINGRICH. Yes, Mr. Chairman, it was printed prior to the deadline.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGRICH: Beginning on page 396, strike line 24 through line 5 on page 404, and insert in lieu thereof the following new section:

EMPLOYMENT AND TRAINING PROGRAM

Sec. . (a) Section 6(d) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)) is further amended by—

(1) amending paragraph (1)(ii) to read as follows:

"(ii) refuses without good cause to participate in an employment and training program under paragraph (4) of this subsection, to the extent required under paragraph (4), including any reasonable employment requirements as are prescribed by the State agency in accordance with paragraph (4): *Provided*, That the period of ineligibility shall be two months;"

(2) adding at the end of paragraph (1) the following new sentences: "Any period of ineligibility for violations under this paragraph shall end when the household member who committed the violation complies with the requirement that has been violated;"

(3)(A) striking out "eighteen" in the material preceding clause (i) in paragraph (d)(1) and inserting in lieu thereof "sixteen"; and (B) in paragraph (d)(2)—

(i) striking out "a work registration requirement" in clause (A) and inserting in lieu thereof "requirements for employment related activities";

(ii) striking out in clause (B) "a dependent child under age six" and all that follows to the end of the clause and inserting in lieu thereof "(i) a dependent child under age six, except that a State agency may, at its option, require such parent or guardian to comply with the work requirements if the child is age three or over and adequate child care is available, or (ii) of an incapacitated person;" and

(iii) adding a new clause (F) at the end of the paragraph to read "(F) a person between ages sixteen and eighteen who is not a head of household or who is attending school on a full-time basis; and

"(4) adding at the end thereof the following new paragraph:

"(4)(A) Each State agency shall implement an employment and training program designed by the State agency in accordance with guidelines established by the Secretary for the purpose of assisting members of households receiving benefits under this Act in gaining skills, training, or experience that will increase their ability to obtain regular employment. For purposes of this Act, an "employment and training program" means a program, approved by the Secretary, that shall contain a job search program with terms and conditions comparable to those prescribed in subparagraphs (A) and (B) of section 402(a)(35) of part A of title IV of the Social Security Act, except that a State agency shall have no obligation to incur costs exceeding \$25 per participant per month, as provided in subparagraph (B)(vi) of this paragraph, and a State agency shall be required to apply employment requirements prescribed under this clause to program applicants at the time of application, and shall also contain one or more of the following components:

"(i) job search training programs that include reasonable job search training and support activities that may consist of jobs skills assessments, job finding clubs, training in techniques for employability, job placement services, or other direct training or support activities, including educational programs, determined by the State agency to expand the job search abilities or employability of those subject to the program;

"(ii) programs designed to improve the employability of household members through actual work experience or training, or both, and to enable individuals employed under such programs to move promptly into regular public or private employment. The

facilities of the State public employment offices and agencies operating programs under the Job Training Partnership Act may be used to find employment and training opportunities for household members under the programs. Employment or training experience assignments shall be limited to projects that serve a useful purpose in fields such as health, social services, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, and day care. To the extent possible, the prior training, experience, and skills of the participating member shall be used in making appropriate employment experience assignments. An employment or training experience program established under this clause shall—

"(I) not provide any work that has the effect of replacing the employment of an individual not participating in the employment or training experience program;

"(II) provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours; and

"(III) reimburse participants for actual costs of transportation and other actual costs that are reasonably necessary and directly related to participation in the program, but not to exceed \$25 in the aggregate per month; and

"(iii) as approved by the Secretary, other programs, projects, and experiments, such as a supported work program, aimed at accomplishing the purpose of the employment and training program; and

"(iv) workfare programs operated under Section 20 of this Act.

"(B)(i) Each State agency shall place all persons subject to employment and training requirements under subsection (d)(1) in a job search program or in an alternative employment and training program authorized under subsection (A) (i), (ii), (iii), or (iv) of this section.

"(ii) Each State agency shall place in employment and training program activities authorized under subsection (A) (i), (ii), (iii) or (iv) of this section not less than twenty-five percent of the persons subject to employment and training requirements under subsection 6(d)(1) for any month in the fiscal year beginning October 1, 1986, fifty percent of such persons for any month in the fiscal year beginning October 1, 1987, and seventy-five percent of such persons for any month in the fiscal year beginning October 1, 1988 and each fiscal year thereafter.

"(iii) The Secretary shall use State agency reports in conjunction with findings of the quality control system to monitor the compliance of State agencies with the requirements of this paragraph. If it is determined that a State agency has failed to comply with such requirements, the State agency shall be subject to penalties as determined by the Secretary which may include a reduction in the funds provided to the State agency under subsection 16(a) in accordance with the procedures set forth in subsection 16(d). If such procedures are applied, the State agency shall be considered to have issued erroneous payments for the number of households by which it failed to meet the appropriate standard established in subsection (B)(1) or (B)(2) of this section, with each such erroneous payment being equal to the average allotment for all households containing a member who is required to participate in employment and training program activities."

"(C)(i) The State agency may provide that participation in an employment and train-

ing program may supplement or supplant other requirements imposed on those subject to the program.

"(ii) In complying with the performance standards established in subsection 6(B) and subject to guidelines established by the Secretary, each State agency may exempt from participation in any program under this paragraph categories of household members to which the State agency determines that the application of such requirements is impracticable as applied to such categories due to factors such as, but not limited to, the availability of work opportunities and the cost effectiveness of the employment requirements. In making such a determination, the State agency may designate a category consisting of all such household members residing in a specified area of the State. The State agency may also exempt or suspend from such requirements individual household members not included in any such category but with respect to whom it determines that such requirements are impracticable because of personal circumstances such as, but not limited to, lack of job readiness and employability, the remote location of work opportunities, and unavailability of dependent care.

"(iii) The total hours of work in an employment and training program carried out under this paragraph required of members of a household, together with the hours of work of such members in any other program carried out under section 20 of this Act, in any month collectively may not exceed a number of hours equal to the household's allotment for such month divided by the higher of the applicable State minimum wage or Federal minimum hourly rate under the Fair Labor Standards Act of 1938. The total hours of participation in such program required of any member of a household, individually, in any month, together with any hours worked in another program carried out under section 20 of this Act and any hours worked for compensation (in cash or in kind) in any other capacity, shall not exceed one hundred and twenty hours per month.

"(iv) Each State agency shall establish requirements, determined by the State agency to be appropriate, for participation by individuals not exempt under clause (ii) of this paragraph in one or more employment and training programs under this paragraph (which requirements may vary among participants), but may operate programs under this paragraph in which individuals elect to participate. The State agency shall permit individuals not subject to the requirements described in the previous sentence or who have completed or are in the process of complying with such requirements to participate in any program under this paragraph.

"(v) The Secretary shall promulgate guidelines that, to the maximum extent practicable, enable a State agency to design and operate an employment and training program under this paragraph that is compatible and consistent with similar programs operated within the State.

"(vi) A State agency shall reimburse participants for actual transportation costs and other actual expenses incurred by participants in the employment and training program, except that the State agency may limit such reimbursement to each participant to \$25 per month."

(b) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended by—

(1) striking out the period after paragraph (21) and inserting in lieu thereof "; and"; and



(2) adding at the end thereof the following new paragraph:

"(22) the manner in which the State agency will carry out the employment and training program under section 6(d)(4) of this Act."

(c) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end thereof the following new subsection:

"(h)(1) Effective October 1, 1984, the Secretary shall allocate in each fiscal year, from funds appropriated for such fiscal year under section 18(a)(1) of this Act, the amount of \$40,000,000 for the fiscal year ending September 30, 1986, \$50,000,000 for the fiscal year ending September 30, 1987, \$60,000,000 for the fiscal year ending September 30, 1988, and \$75,000,000 for each of the fiscal years ending September 30, 1989, and September 30, 1990, which amount shall be used to pay to each State agency the full cost (except as otherwise provided in this subsection) of carrying out the employment and training program under section 6(d)(4) of this Act.

"(2) If, in carrying out such activities, a State agency incurs costs that exceed the amount payable to the State agency under paragraph (1), the Secretary shall pay such State agency an amount equal to the 50 per centum of such additional costs in accordance with subsection (a).

"(3) The Secretary shall, in accordance with subsection (a), reimburse each State agency in an amount equal to 50 per centum of the total amount of payments made or costs incurred by the State agency in connection with actual transportation costs and other actual expenses reasonably incurred by participants in the employment and training program, except that such total amount shall not exceed an amount representing \$25 per participant per month.

Mr. GINGRICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGRICH. Mr. Chairman, let me say first of all that I appreciate very much that the gentleman from California and the gentleman from Missouri have made major progress in developing a transition to a workfare program; however, it is my intention with this amendment to offer an amendment which is much closer to the Reagan administration proposal on workfare.

This amendment is designed to ensure that an increasing number of recipients will indeed be required to participate in a workfare program.

In particular, this amendment sets a series of stages, year by year, by which the program would move toward a workfare provision and it provides that the Secretary can enforce those transitions by withholding funds from those States which he or she finds to be not in compliance.

This is a discretionary power that the Secretary can use. I think it means that the States would be required and would be under pressure to make real

changes toward a workfare program at a faster rate than in the committee bill.

The Congressional Budget Office estimates for the Federal Government are that this program would save money. It would candidly require more money at the State level for administration, but even under the Congressional Budget Office provisions, it is clear that this program would save the Federal Government money and would speed up the process of moving toward a workfare program.

Finally, the amendment also makes several changes in the pool of work registrants, subject to the employment and training program.

The amendment extends the work registration and new employment training program to 16- to 17-year-old heads of households, unless they are full-time students. In other words, it says if you are going to be getting food stamps and you are the head of a household, but you are not in school, then you need to have the work experience.

This change establishes consistency with the AFDC Program and recognizes that such young heads of households who are not in school and not working would especially benefit from such activity, work experience, assignments, and job search training.

Now, the essence of what I am saying here is that if you vote "yes" for this amendment, you are voting for a much closer approximation of the Reagan administration proposals on workfare. You are voting for a much more rapid transition to a workfare program in this country and you are voting to give the Secretary discretionary power.

It does not mandate that in an impossible situation any State would have to make that transition, but it would put considerable pressure on every State to have that kind of transition at a much faster rate than the committee requires.

Mr. PANETTA. Mr. Chairman, I rise in opposition to this amendment, for several reasons. One, the gentleman from Missouri and myself carefully worked out a provision in this bill which for the first time requires all States to set up a work program to provide relief to those who are on food stamps.

It is the first time we have required of the States that they set up these programs; but the difference between what we have done and what the gentleman offers is that we allow the States to design work programs that fit their particular needs.

The problem is that if we just mandate a certain program for all States, what this becomes is a full employment program for bureaucrats. It adds paperwork. It adds bureaucracy and it fails to allow the States to develop a program that is most meaningful for

their particular States or for their food stamp recipients.

In addition to that, I would point out that the CBO indicates that while there are some minimal savings at the Federal level, the cost of this proposal to the taxpayers, to the States, would be over \$240 million above the costs of H.R. 2100.

So it is for those reasons that we would oppose this amendment. We think that we have developed a work program which makes sense, which is efficient, and which meets the needs of the States and the people involved in the food stamp programs.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the distinguished chairman.

Mr. HAWKINS. Mr. Chairman, may I rise in support of what the gentleman from California has said.

The Gingrich approach would deviate completely from the accepted approach under the Job Training Partnership Act. Under that act, as we well know, and I would submit it would work much better under this provision as a provision under this act. JTPA leaves up to the States to decide the approach which best suits them. What works in Massachusetts does not necessarily work in California, and vice versa.

I think the flexibility provided under the committee bill retains the best provision of the job search provision for the recipients of food stamps.

I do not think we should tamper with it by some novel new approach that imposes on the States an added burden which certainly we should not do at this time.

Mr. Chairman, I greatly recommend that we follow the approach as submitted by the committee and stick with that, rather than deviate from the accepted provision under the Job Training Partnership Act.

I thank the gentleman for yielding.

□ 1610

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Chairman, I reluctantly rise in opposition to the amendment offered by the gentleman from Georgia because I think we do share the very same objective. I think we probably all do.

State flexibility is an essential part of this program because the best employment and training programs are those to which the State administrators are committed and which they design themselves. For example, the program operating in San Diego, CA, which the chairman and I have, personally, inspected and held extensive

hearings about, is one very good example of an innovative program designed to meet the needs in that area.

We believe that most States will welcome this program and will operate efficient and effective employment and training programs. That is why State flexibility and program grants are a part of this program. Nevertheless, we do expect that the Secretary will use the authority the act provides to insure that all States design a program that is in keeping with the purposes of the act. I think if they do not, it would be at that point that we would consider the language of the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GINGRICH. Mr. Chairman, as I mentioned earlier, the Secretary has the discretionary power if, in his judgment, a State is not moving rapidly enough. It is not automatically mandated and our purpose in offering this, and I concede that it is a new legislative proposal but a very good idea, I say to my friend, the gentleman from California, is to simply move on a nationwide basis to have us move more rapidly toward workfare.

Mr. Chairman, I move the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. GINGRICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GINGRICH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum. One hundred seven Members are present, a quorum.

#### RECORDED VOTE

Mr. GINGRICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 227, not voting 24, as follows:

[Roll No. 339]

#### AYES—183

Andrews	Bruce	Crane
Archer	Burton (IN)	Daniel
Army	Byron	Dannemeyer
Badham	Callahan	Daub
Barnard	Campbell	DeLay
Bartlett	Carney	DeWine
Barton	Carper	Dickinson
Bateman	Chandler	DioGuardi
Bentley	Chapman	Dorgan (ND)
Bereuter	Cheney	Dornan (CA)
Bevill	Clinger	Dreier
Billirakis	Coats	Duncan
Bliley	Cobey	Durbin
Boehlert	Coble	Dyson
Boulter	Coleman (MO)	Eckert (NY)
Breaux	Combest	Edwards (OK)
Broomfield	Coughlin	English
Brown (CO)	Courter	Fawell
Broyhill	Craig	Fiedler

Fields	Mack	Schaefer
Franklin	Madigan	Schuetz
Frenzel	Marlenee	Schulze
Gallo	Martin (IL)	Sensenbrenner
Gekas	McCain	Shaw
Gibbons	McCollum	Shumway
Gingrich	McEwen	Shuster
Goodling	McGrath	Siljander
Gordon	McKernan	Slaughter
Gradison	McMillan	Smith (NE)
Gregg	Meyers	Smith (NJ)
Grotberg	Michel	Smith, Denny
Hall, Ralph	Miller (OH)	(OR)
Hammerschmidt	Miller (WA)	Smith, Robert
Hansen	Molinar	(NH)
Hartnett	Monson	Snowe
Hendon	Montgomery	Snyder
Henry	Moore	Solomon
Hiler	Moorhead	Spence
Hillis	Morrison (WA)	Stangeland
Holt	Myers	Stenholm
Hopkins	Nelson	Strang
Hubbard	Nichols	Stump
Hughes	Nielson	Sundquist
Hunter	O'Brien	Sweeney
Hyde	Olin	Swindall
Ireland	Oxley	Tauke
Kasich	Packard	Tauzin
Kemp	Parris	Taylor
Kindness	Pashayan	Thomas (CA)
Kolbe	Petri	Torricelli
Kramer	Porter	Vander Jagt
Lagomarsino	Quillen	Vucanovich
Latta	Regula	Walgren
Leath (TX)	Reid	Walker
Lent	Ritter	Weber
Lewis (FL)	Roemer	Whitehurst
Livingston	Rogers	Wolf
Lloyd	Roth	Wortley
Lott	Roukema	Wyllie
Lowery (CA)	Rowland (CT)	Young (FL)
Lujan	Rudd	Zschau
Lungren	Saxton	

#### NOES—227

Akaka	Dwyer	Jenkins
Alexander	Dymally	Johnson
Anderson	Early	Jones (NC)
Annunzio	Eckart (OH)	Jones (OK)
Anthony	Edgar	Jones (TN)
Aspin	Edwards (CA)	Kanjorski
Atkins	Emerson	Kaptur
AuCoin	Erdreich	Kastenmeier
Bates	Evans (IA)	Kennelly
Bedell	Evans (IL)	Kildee
Bellenson	Fascell	Klecza
Bennett	Feighan	Kolter
Berman	Flah	Kostmayer
Blaggi	Flippo	Lantos
Boggs	Florio	Leach (IA)
Boland	Foglietta	Lehman (CA)
Boner (TN)	Foley	Lehman (FL)
Bonior (MI)	Ford (MI)	Leland
Bonker	Ford (TN)	Levin (MI)
Borski	Fowler	Levine (CA)
Bosco	Frank	Lightfoot
Boucher	Frost	Lipinski
Boxer	Fuqua	Long
Brooks	Garcia	Lowry (WA)
Brown (CA)	Gaydos	Luken
Bryant	Gedjenson	MacKay
Burton (CA)	Gephardt	Manton
Bustamante	Gilman	Markey
Carr	Glickman	Martinez
Chappell	Gonzalez	Matsui
Chappie	Gray (IL)	Mazzoli
Coelho	Gray (PA)	McCloskey
Coleman (TX)	Green	McCurdy
Collins	Guarini	McDade
Conte	Gunderson	McHugh
Conyers	Hall (OH)	McKinney
Cooper	Hamilton	Mica
Coyne	Hatcher	Mikulski
Crockett	Hawkins	Miller (CA)
Daschle	Hayes	Mineta
Davis	Hefner	Mitchell
de la Garza	Hefelt	Mollohan
Dellums	Hertel	Moody
Derrick	Horton	Morrison (CT)
Dicks	Howard	Murphy
Dingell	Hoyer	Murtha
Dixon	Huckaby	Natcher
Donnelly	Hutto	Neal
Dowdy	Jacobs	Nowak
Downey	Jeffords	Oakar

Oberstar	Scheuer	Torres
Obey	Schneider	Trafficant
Ortiz	Schroeder	Traxler
Owens	Seiberling	Udall
Panetta	Sharp	Valentine
Pease	Sikorski	Vento
Penny	Sisisky	Visclosky
Pepper	Skeen	Volkmer
Perkins	Skelton	Watkins
Pickle	Slattery	Waxman
Price	Smith (FL)	Weaver
Rahall	Smith (IA)	Weiss
Rangel	Smith, Robert	Wheat
Richardson	(OR)	Whitley
Ridge	Solarz	Whittaker
Roberts	Spratt	Whitten
Robinson	St Germain	Williams
Rodino	Staggers	Wilson
Roe	Stallings	Wirth
Rose	Stark	Wise
Rostenkowski	Stratton	Wolpe
Rowland (GA)	Studds	Wright
Roybal	Swift	Wyden
Russo	Synar	Yates
Sabo	Tallon	Yatron
Savage	Thomas (GA)	Young (AK)

#### NOT VOTING—24

Ackerman	Lewis (CA)	Pursell
Addabbo	Loeffler	Ray
Applegate	Lundine	Rinaldo
Barnes	Martin (NY)	Schumer
Clay	Mavroules	Shelby
Darden	McCandless	Stokes
Fazio	Moakley	Towns
LaFalce	Mrazek	Young (MO)

□ 1630

Mr. KLECZKA and Mr. SAVAGE changed their votes from "aye" to "no."

Mr. PETRI and Mr. CHAPMAN changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to title XV?

The Clerk will designate title XVI.

The Clerk designated title XVI.

#### AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD as of the 24th of September?

Mr. SKELTON. Yes, Mr. Chairman.

The text of the amendment as printed in the RECORD is as follows:

Amendment offered by Mr. SKELTON: Insert in Section 1605 (which amends Section 204 of the Temporary Emergency Food Assistance Act) a new paragraph:

(4) Funds from section 204(c)(1) shall be available to the extent that they are matched on an equal basis by State appropriated funds. The provision shall apply to a State beginning October 1 of the calendar year in which the State legislature next meets.

Mr. SKELTON. The amendment has been printed, Mr. Chairman. However, I ask unanimous consent to modify the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Missouri [Mr. SKELTON].



The Clerk read as follows:

Modification of amendment offered by Mr. SKELTON: Page 425, line 19, strike out the close quotation marks and period following such marks.

Page 425, after line 19, insert the following:

"(4) It is the sense of the Congress that, if there is appropriated to carry out this subsection for a fiscal year an amount in excess of the amount authorized to be appropriated for such fiscal year, no part of such excess amount should be made available to a State unless the aggregate value of the in-kind contributions and services provided, and the funds appropriated, by the State and units of local government of the State for such fiscal year for the distribution of such commodities is not less than the amount of funds made available under this subsection to the State for such fiscal year."

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the modified amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, I will not take a great deal of time.

I have discussed this substitute amendment at length with the gentleman from California [Mr. PANETTA] and also with the gentleman from Missouri [Mr. EMERSON].

What it does is, it expresses the sense of Congress that States which, together with their local government entities, fail to make contributions for the operation of their TEFAP Programs equal to the amount of Federal administrative funds they receive under title XVI should not receive any additional administrative funds that are made available through a subsequent supplemental appropriation. The purpose is to provide a stronger incentive than exists at the present time for any State to contribute its share toward administration of the TEFAP Program.

Mr. Chairman, I yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman knows, we have discussed this amendment. It is my view that this \$50 million ought to go to the States for purposes of TEFAP and if any more is going to go to the States, the States have to show some signs of good faith that they are trying to work on their end to provide additional supplements and help with regard to the Emergency Feeding Program.

Mr. Chairman, I appreciate the amendment of the gentleman. It does provide a sense of urgency here that the States have to help cooperate with regard to this program.

I thank the gentleman, and we would accept the amendment.

Mr. SKELTON. The gentleman is correct. It does not prohibit the \$50 million going to the various States, but it does give them incentive should there be a supplemental. There may not be, but should there be, it gives them incentive to do the best they can in good faith.

Mr. Chairman, I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from California in accepting the amendment and say further that both the gentleman from Missouri and I are aware of food banks in Missouri and other States that are very active in distributing surplus commodities to the poor. The people operating these food banks would like to initiate a system in which they would receive surplus commodities directly from the Federal Government. This plan is being forwarded to us, and I intend to look at it very carefully to see if we can implement such a concept.

Those running these food banks indicate they can pick up and distribute these commodities at no cost to the Federal Government, and this is an idea that I look forward to pursuing with my colleague from Missouri.

Mr. SKELTON. Yes; I think it is an excellent idea, and we are thinking of the same thing.

I think that is an area to explore that would save the taxpayers money in the long run.

I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON], as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. The Clerk will designate title XVII.

The Clerk designated title XVII.

The CHAIRMAN. The Clerk will designate title XVIII.

The Clerk designated title XVIII.

#### AMENDMENT OFFERED BY MR. JONES OF OKLAHOMA

Mr. JONES of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Oklahoma: Immediately after section 1895 of the bill as reported on September 18, 1985, insert the following new section (and conform the table of contents accordingly):

#### SEC. 1896. STUDY OF LEADED FUEL IN AGRICULTURAL MACHINERY.

(a) STUDY.—The Secretary of Agriculture shall conduct a study of the use of fuel containing lead additives in gasoline engines which—

(1) are used in agricultural machinery, and

(2) are designed to combust fuel containing such additives.

The study shall analyze any mechanical problems (including but not limited to valve

recession) which may be associated with the use of other fuels in such engines.

(b) CONTRACTS AND OTHER ARRANGEMENTS.—For purposes of the study under this Act, the Secretary of Agriculture is authorized to enter into such contracts and other arrangements as may be appropriate to obtain the necessary technical information. All testing of engines carried out for purposes of such study shall be reflective of actual agricultural conditions to the extent practicable, including revolutions per minute and payloads.

(c) FINDINGS AND REPORT.—The Secretary of Agriculture shall publish in the Federal Register not later than January 1, 1987, his proposed findings pursuant to such study. After notice and opportunity for hearing, but not later than January 1, 1986, the Secretary shall submit to Congress a final report containing the results of the study under this section, together with any public comments received and recommendations on the need for lead additives in gasoline to be used by agricultural machinery.

(d) AGRICULTURAL MACHINERY.—The Secretary of Agriculture shall specify the types and items of agricultural machinery to be covered by the study under this Act.

(e) REGULATION OF LEAD ADDITIVES DURING STUDY.—No regulation under any provision of law regarding the control or prohibition of lead additives in gasoline may require an average lead content per gallon which is less than 0.1 gram per gallon until the date 3 months after the report required by subsection (c) has been submitted to Congress.

#### SEC. 1897. AUTHORIZATION OF APPROPRIATIONS.

For fiscal years beginning after September 30, 1985, there is authorized to be appropriated \$250,000 to carry out section 1 of this Act.

Mr. JONES of Oklahoma (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JONES of Oklahoma. Mr. Chairman, in just a minute, I wish to yield to my colleague, the gentleman from Iowa [Mr. TAUKE], who has a substitute amendment which has the same aim as my amendment: to ensure a plentiful supply of leaded gas for farm machinery. I commend the gentleman for his work in this substitute, and urge its adoption.

Very simply, our amendment prohibits the Administrator of the Environmental Protection Agency from promulgating any regulation which would require the use of gasoline with less than 0.5 grams of lead additive in farm machinery, until an official study of the effects of unleaded gasoline on farm machinery can be carried out.

With the catastrophic financial situation facing our farmers today, we feel we must do everything possible to see that they are given the breaks needed to continue their struggle to preserve America's agriculture industry.

Currently, the EPA plans to reduce lead levels to zero over the next 3

years. Tests conducted by Phillips Petroleum yield conclusive proof that older farm machinery will suffer extensive damage if farmers are forced to use unleaded fuel.

We are not disputing the EPA regulation of lead additives in a general sense, but we feel today's farmers are in a unique economic position and this is one available means we have to help ease their plight.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. TAUKE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. JONES OF OKLAHOMA

Mr. TAUKE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUKE as a substitute for the amendment offered by Mr. JONES of Oklahoma: Page 509, after line 13, insert:

#### LEAD ADDITIVES IN FARM FUEL

SEC. 1896. (a) Except as provided in subsection (f), any regulation issued under any provision of law before or after the date of enactment of this section regarding the control or prohibition of lead additives in gasoline shall be amended to provide that the average lead content per gallon of gasoline distributed and sold for use on a farm for farming purposes shall not be less than 0.5 grams per gallon. The purpose of such amendment shall be to ensure that adequate supplies of gasoline containing sufficient lead additives to protect and maintain farm machinery will be available in all States for use on farms for farming purposes. Nothing in this section shall affect the control of lead or lead additives in gasoline distributed and sold for other uses. For purposes of this section, the term "gasoline used on a farm for farming purposes" has the same meaning as when used in section 6420 of the Internal Revenue Code of 1954.

(b) The President, acting through the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall promptly initiate a study of the use of fuel containing lead additives in gasoline engines which—

(1) are used in agricultural machinery, and

(2) are designed to combust fuel containing such additives.

The study shall analyze any mechanical problems (including, but not limited to value recession) which may be associated with the use of other fuels, including fuels without lead additives in such engines.

(c) For purposes of the study, the appropriate lead agency designated by the President is authorized to enter into such contracts under applicable law and other arrangements as may be appropriate to obtain the necessary technical and other information. All testing of engines carried out for purposes of such study shall be reflective of actual agricultural conditions to the extent practicable, including revolutions per minute and payloads.

(d) The results of the study shall be published in the Federal Register not later than January 1, 1987 for written comments, and shall be submitted to Congress within 90 days after such publication. The report shall contain the results of the study under this section, together with a summary of any public comments received, and recom-

mendation on the need for lead additives in gasoline to be used by agricultural machinery. The report shall also be transmitted to the Committees on Agriculture of the House and Senate and the Committee on Energy and Commerce of the House and the Committee on the Environment and Public Works of the Senate. Such report shall be submitted only while both Houses are in session.

(e) The Secretary of Agriculture shall specify the types and items of agricultural machinery to be covered by the study under this Act.

(f) Effective not earlier than 4 months after the date on which the report is submitted to Congress under subsection (d), in lieu of subsection (a) of this section, the regulations which (beginning on January 1, 1986) are generally applicable to the control the level of lead additives in gasoline shall apply to gasoline used on farms for farming purposes whenever the administrator of the Environmental Protection Agency publishes a notice thereof unless it is determined by such Administrator on the basis of the study under this section that a level of 0.5 grams per gallon (or some other level) is appropriate in the case of gasoline used on a farm for farming purposes to protect and maintain agricultural machinery specified by the Secretary of Agriculture.

(g) There is authorized to be appropriated such sums as may be necessary to carry out the study required by this section and such sums shall remain available for such purposes until expended. In order not to delay such study the agencies referred to in this section should take immediate action with available funds to initiate such a study.

Mr. TAUKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DINGELL. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Michigan reserves a point of order on the amendment.

Mr. DINGELL. Mr. Chairman, I do not have any reason to believe it will be necessary for me to insist on the point of order. I make the reservation of objection for purposes of a colloquy with my three distinguished friends, the gentleman from Illinois [Mr. MADIGAN], the gentleman from Iowa [Mr. TAUKE], and of course my dear friend from Texas, the chairman of the Committee on Agriculture, Mr. DE LA GARZA.

I understand when this matter reaches the conference stage that you have agreed to keep the Committee on Energy and Commerce—

The CHAIRMAN. The gentleman, Mr. DINGELL, will suspend for 1 second, please.

The Chair would respectfully advise the gentleman that he cannot proceed with the debate on a reservation of a point of order. If the gentleman from Iowa wishes to yield to the gentleman for that purpose, he has the time.

The gentleman from Iowa [Mr. TAUKE] is recognized for 5 minutes.

Mr. TAUKE. If I could explain the amendment first, then I will yield to the gentleman.

Mr. DINGELL. Mr. Chairman, then I withdraw that portion.

The CHAIRMAN. The gentleman from Iowa [Mr. TAUKE] is recognized for 5 minutes.

□ 1640

Mr. TAUKE. I thank the chairman, and I thank the gentleman from Oklahoma for his cooperation in developing this amendment, and all of the others who have participated in this effort.

Mr. Chairman, this substitute is designed to prevent an impending crisis in the farm community. Recent tests conducted by a major fuel refiner indicate that a substantial number of farm engines, primarily older farm engines, will suffer extensive damage—and require expensive repairs—if run on unleaded gasoline. Currently, we are phasing out leaded gasoline, and this substitute requires us to look at this issue before it becomes a problem. This substitute takes a commonsense approach and does, basically, two things: First, it requires the Department of Agriculture and the Environmental Protection Agency to study the impact of eliminating leaded gasoline on the farm economy; and second, until this study is completed this substitute maintains the current lead content in leaded gasoline today—which is 0.5 grams of lead per gallon.

According to this substitute, the level of lead in leaded gasoline will remain at 0.5 grams per gallon for farmers while this study is conducted. The results of the study must be printed in the Federal Register not later than January 1, 1987, and shall be submitted to Congress within 90 days after such publication. Four months after the report is submitted to Congress, the lead level in gasoline used for farming purposes may change to an appropriate level as determined by the EPA.

Mr. Chairman, this is a straightforward amendment. It has been worked out with the assistance of Mr. MADIGAN, Mr. WAXMAN, Mr. DINGELL, and Mr. JONES. In addition, this approach is supported by the American Farm Bureau and the National Council of Farmer Cooperatives. I urge my colleagues to support this substitute.

Mr. Chairman, I would be pleased now to yield to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. I thank the gentleman for yielding to me.

Mr. Chairman, my purpose is a brief colloquy with my three dear friends, the gentleman from Iowa, the gentle-



man from Texas and, of course, my dear friend from Illinois [Mr. MADIGAN].

Gentlemen, I understand that when this matter reaches conference stage, the Committee on Energy and Commerce will be kept informed of amendments to this provision from the other body and that our good friends on the Agriculture Committee will not agree to such amendments without consulting our committee, am I correct in that appreciation?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I would like to inform my colleague that we will be very happy to keep him informed of the process should this amendment be enacted and be an item in conference.

Mr. DINGELL. I thank my dear friend.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, I would assure the gentleman from Michigan, the chairman of the Committee on Energy and Commerce, that we not only will stay in touch with him, but if an attempt would be successfully made in the conference to expand this provision beyond what the gentleman is agreeing to on behalf of the farmers and ranchers of America, that I will join with the gentleman from Michigan in opposing the adoption of the conference report.

Mr. DINGELL. I thank my dear friend.

Mr. Chairman, I am sure my colleagues understand the concern that I utter here today, and that is the question of jurisdiction of the Committee on Energy and Commerce over the matter of clean air, leaded gasoline, and matters that relate to that. I am sure here that there is no attempt by my good friends and colleagues to impair that. With that understanding, I will raise no objection to the amendment, and indeed I find the amendment has merit. I commend the gentleman for offering it.

Mr. Chairman, Mr. JONES of Oklahoma and Mr. TAUKE have consulted the Committee on Energy and Commerce concerning the amendment now offered by Mr. TAUKE. It is, as just noted, a matter that rests solely in the jurisdiction of our committee and normally, I would object to its consideration in this matter. But subcommittee Chairman WAXMAN, the ranking minority member on the subcommittee, Mr. MADIGAN, and the ranking minority member on the full committee, Mr. BROYHILL, and myself are persuaded that this limited amendment is needed and meritorious. We believe it will not deter the need,

for health reasons, to reduce lead in gasoline. But it will redress a problem, pending a study, by assuring a supply of leaded gasoline for agricultural machinery.

It is designed to deal with this issue for all farmers in all States. It recognizes that EPA must work out gasoline refining and distribution problems with the refiners and pipelines and others to provide leaded gasoline for all farmers in all States, including farmers who may not have bulk supplies on their farm but buy gasoline at the local gas station. It does not open the door for all vehicles.

I am concerned that the amendment only deals with farmers, because others in Michigan and elsewhere have expressed concern about this matter. But I realize that they have special problems and this is a farm bill. I am concerned because I fear the issue will not go away in the case of some other users, like the recreational boat owner users. In this regard, I have recently written to the Environmental Protection Agency asking questions about its consideration of all such uses and the impacts on engines operating safely and properly with little or no lead. That correspondence follows:

#### ADMINISTRATOR'S STATEMENT

Today, we are taking actions to substantially decrease the amount of lead emitted into the environment.

First, I have signed a final regulation requiring a two-stage reduction in the amount of lead permitted in leaded gasoline. The current lead standard allows 1.10 grams of lead per gallon of leaded gasoline. On July 1 of this year, the limit will be reduced to 0.50 grams per gallon. Beginning January 1, 1986, the standard will drop again to 0.10 grams per gallon. These steps will bring a 91 percent reduction in the amount of lead used in gasoline.

There is no doubt in my mind that lead in the environment is still a national health problem and that gasoline is a major contributor to lead exposure. These standards will significantly reduce the adverse health effects that result from using lead in gasoline and will reduce the misuse of leaded gasoline in vehicles designed for unleaded fuel.

In addition to these reductions, we are issuing a supplemental notice inviting public comment on information now available relevant to a total ban on lead in gasoline.

Leaded gasoline is responsible for about 80 percent of all lead emissions into the air. There is a direct relationship between lead in gasoline and the amount of lead in human blood. Lead impairs the physical and mental health of our children, especially those who live in the large cities. Recent studies indicate that it might also contribute to high blood pressure in adults. The evidence continues to mount demonstrating adverse health effects from lead at levels previously thought to be below the threshold of risk. Just last month, the Centers for Disease Control lowered the level of blood lead it deems to indicate a need for treatment.

The lower standard of 0.10 level was chosen because it would achieve significant health benefits while still allowing a lead level adequate to protect engine valve seats. The change was also intended to curb the illegal use of lead fuel in cars designed for un-

leaded by changing the cost relationship between leaded and unleaded gasoline.

After reviewing over 1,500 substantive comments on the proposal made either at our public hearing or in written submissions, we are convinced that such a standard is both necessary and achievable.

Since our proposal last summer, EPA also has carefully considered comments concerning the refining industry's ability to meet this standard. We have reviewed our analyses of the industry capacity to meet these standards in light of these comments and remain convinced that the standard is attainable. We also agree with those who said the standard can be strengthened by requiring a two-step approach which includes the 0.50 grams per gallon standard beginning July 1, 1985.

EPA has also reviewed in detail the issue of the amount of lead needed as a valve lubricant in older cars and engines. We have evaluated the many comments from vehicle, truck, boat, and farm equipment owners concerned that a tenth of a gram of lead per gallon is insufficient to lubricate valves in these engines. Our research indicates that this level of lead is sufficient for these engines when operated at reasonable speeds and loads. In fact, there are several studies that have come to our attention during the rulemaking that suggest that lead may not be required at all for these engines. Therefore, we remain convinced that 0.10 grams of lead per gallon leaded gasoline will furnish adequate protection for vehicles and engines which may need it. We will, however, continue to study this issue with respect to a total ban—as I'll discuss in a minute.

EPA's latest survey of vehicles in the field has shown that fuel switching continues to be a persistent problem despite an active effort to stop it. In fact, latest survey results show a 16 percent fuel switching rate, compared to 13 percent at the time of the proposal.

For all these reasons, EPA is proceeding to issue these stringent final rules today. We are eager to reap the health benefits of the standard and we are optimistic that the level of fuel switching will be substantially decreased as a result of its implementation.

I'd like to take a moment now to discuss the economics of this final rule. EPA has conducted an extensive evaluation of the costs and benefits of the new rule. The net benefits of the 0.10 gallons per leaded mile standard are predicted to be over a billion dollars per year for the period of 1986 to 1992, with the 0.50 grams per gallon standard for the second half of 1985 alone resulting in over \$250 million dollars in net benefits. These analyses included the benefits of savings from reduced health problems from lead and other automotive pollution as well as reduced vehicle maintenance compared to the cost of the additional refining needed to furnish adequate gasoline to the market. A billion dollars a year is substantial savings, and these estimates are likely to understate the true benefits. If the new information concerning the relationship between blood lead and blood pressure in fact holds true, the value of these regulations could increase by several billion dollars more per year. This is a good regulation then from both the health and economic point of view.

The second of the two packages we are announcing today is a supplemental notice soliciting future comments on implementing a total lead ban as early as 1988. In the August 1984 rulemaking the Agency proposed consideration of a ban on lead in gasoline during the mid 1990's. During the inter-

vening period, studies analyzing the relationship between blood lead and blood pressure were published. These studies suggest a strong correlation between blood lead and blood pressure, and that reductions in blood lead levels would result in substantial additional health benefits. Further, several studies of fleets of vehicles in actual use indicated that vehicles might not need any lead as a value lubricant. Finally, we are concerned that the 0.10 grams of lead per gallon standard might not be fully effective in eliminating the fuel switching problem.

These facts suggest that a ban on lead in the near term might be both desirable and feasible. We are interested in having the scientific and medical communities review the information relating blood lead and blood pressure.

We also are soliciting additional comments on the need for lead as a value lubricant for engines and on the extent of a continuing fuel switching problem. We intend to work with chemical manufacturers to ascertain the possibilities of alternative additives, should they be necessary, as well as working with other interested groups on ways to prevent valve damage should we find a ban appropriate and necessary.

One additional point is worth noting. We recently proposed a rule which would allow banking of lead rights, retroactive to January 1, as a way of enhancing the flexibility to meet the new standards. We expect the rule to be made final within the next few weeks.

In summary, we believe today's final rule will have a marked and positive impact on the nation's health, and we will continue to study the desirability and feasibility of a total ban on the use of lead in gasoline.

COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, July 15, 1985.

Hon. LEE M. THOMAS,  
Administrator, Environmental Protection  
Agency, Waterside Mall—West Tower,  
Washington, DC.

DEAR MR. THOMAS: Enclosed are letters I received from my constituents who are concerned about the impact of your agency's recent actions concerning lead in gasoline. Their concerns are real. While I recognize the health effects of lead on people and the apparent need to curb such lead as quickly as possible, I am concerned about the adequacy of your agency's consideration of the impacts of your actions.

I request that you address the questions raised in the letters concerning motor vehicle, marine equipment and lawn mower equipment that use leaded gasoline. What studies did you conduct concerning the impact on already purchased vehicles, boats, and equipment? What were the results?

Also, enclosed is a July 8, 1985 letter from the Chairman and Ranking Minority Member of the Committee on Agriculture concerning the impact of your actions on agricultural equipment. What studies did you conduct regarding the impact on this type of equipment? What were the results?

With best wishes.

Sincerely,

JOHN D. DINGELL,  
Chairman.

JUNE 17, 1985.

Hon. JOHN D. DINGELL: I wish to express my protest of the reduction of regular grade gasoline.

I am a senior citizen living on a fixed income.

My car, lawn mower, and outboard motor are old and need the regular gasoline, other fuel would damage them.

To replace them would be a real hardship.

Yours,

JAMES REA.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY,  
Washington, DC, August 14, 1985.

Hon. JOHN D. DINGELL,  
Chairman, Committee on Energy and Commerce,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your July 15, 1985 correspondence forwarding letters from your constituents concerning our proposal to ban leaded gasoline as early as 1988. They are concerned that operation on low-lead or unleaded gasoline may be harmful to engines designed for leaded gasoline.

We are certainly aware of your constituents' concerns. However, we believe that the low-leaded standard of 0.10 gram per leaded gallon offers sufficient valve protection to those engines which may need lead under reasonable speeds and loads.

In response to your request, I have enclosed the Federal Register notices, regulatory impact analysis, responses to comments document, summary of comments document, and a final contractor report entitled, "The Effects of Low-Lead and Unleaded Fuels on Gasoline Engines." These review the studies we evaluated and the data we have on the effects of lead phasedown on a number of different engine types. We believe that these data are representative of the effects that can be expected. However, we do not have extensive information on some of the specific types of engines (e.g., outboard motors) or uses (e.g., agricultural) that are referenced in your letter.

We are continuing to investigate the need for lead in some engines and the possibility of alternative additives that are less environmentally harmful than lead. We are paying particular attention to the concerns of the agricultural community and are investigating thoroughly the use of unleaded gasoline in farm machinery that was designed for leaded gasoline. We have reviewed information from eight additive manufacturers claiming to have developed additives which would act as valve lubricants should lead be eliminated from gasoline. Several of these look promising. We are working to get the farm community and these additive manufacturers together for in-use demonstration programs to test the efficacy of their additives.

Please feel free to contact me or Charles L. Elkins, Acting Assistant Administrator for Air and Radiation, at (202) 382-7400, if you have any further suggestions.

Sincerely,

LEE M. THOMAS,  
Administrator.

COMMITTEE ON AGRICULTURE,  
Washington, DC, July 8, 1985.

DEAR COLLEAGUE: On March 4, 1985, the Environmental Protection Agency issued final regulations to reduce the permissible amount of lead in gasoline by 90 percent by January 1, 1986. The new standard will limit the lead content of gasoline in two stages. The first stage was a reduction to 0.5 gram per leaded gallon (gplg) required on July 1, 1985. The second stage is a reduction to 0.1 gplg to be accomplished on January 1, 1986. The current lead standard is 1.1 gplg.

As part of its March 4 announcement, EPA also extended a system that allows re-

fineries to "bank" lead credits if they can reduce lead below allowable limits this year. They can then use these credits in 1986 or 1987 when the limit of 0.1 gplg is imposed. As a practical matter lead banking will result in gasoline with an average lead content of 0.2 gplg being marketed through 1987.

However, EPA appears to be moving toward a total lead ban, perhaps as early as 1988. Our concern is that they are taking this step without a clear understanding of the impact it will have on machinery used on the farm.

We are writing to invite you to be a co-sponsor of legislation we have introduced to require the Environmental Protection Agency to study the effect a lead ban will have on agriculture machinery before such a ban can be proposed.

The American Farm Bureau is currently conducting a survey, but their preliminary reports are that there are an average of ten engines in use on the farm today that require the use of leaded gasoline. Deere & Company estimates that there are more than two million large farm tractors, built before the 1970's and equipped with gasoline engines designed to run on leaded fuel, still in use on farms today.

The legislation we have prepared will require the Environmental Protection Agency, in cooperation with the Department of Agriculture, to conduct a study on the effect a lead ban will have on engines used in agriculture. The study must reflect typical farm work. The completed study would be published in the Federal Register by January 1, 1987. EPA will also be required to hold public hearings and file a final report to Congress by January 1, 1988. Lead could not be banned until EPA's study and recommendations are complete. This legislation has been developed in cooperation with the American Farm Bureau and the National Council of Farmer Cooperatives.

To date we have a bipartisan group of 24 cosponsors of H.R. 2795. If you would like to add your name to the list, please contact Judy Dungan at 5-2371, or Glenda Temple at 5-2171.

Sincerely,

E (KIKI) DE LA GARZA,  
Chairman.  
EDWARD MADIGAN,  
Ranking Minority  
Member.

ROCKWOOD, MI.

Hon. JOHN D. DINGELL,  
U.S. Representative.

Retirees nightmare: When you take all the leaded gasoline off the market or reduce it so low 0.1 grams of lead per gallon, what are we to do with our investments?

Example No. 1: I purchased a 1979 Pace Arrow motorhome in 1982 price 22 thousand, I'm still making payments on this vehicle, it was purchased as a retirement home to travel the U.S.

Example No. 2: In 1973 I purchased a fishing boat 120 hp mercruiser on the engine it specifies use leaded gas only, another investment down the drain. I have also a riding lawnmower a push mower all use leaded gasoline. If there's not enough lead in the gasoline we will burn up the valves and valve seats of these engines. Who's to blame for this disaster? The automobile manufacturer, the gasoline companies or our own government? How do I and millions of other people get reimbursed? Those purchases were made in good faith. If this ban goes on



leaded gasoline and we have to run on gasoline not suited for our engines then I feel the government, automobile manufacturer and gasoline company's should compensate us for our losses.

It makes sense to me to stop manufacturing of all engines that take leaded gasoline also we probably can live with 0.5 grams per gallon but not with 0.1 grams per gallon as proposed by the E.P.A.

I don't know how many vehicles and engines the government and armed forces are going to be affected but I suspect many of them will still take leaded gasoline. What a cost to the taxpayers if all of them have to be destroyed or replaced. If the E.P.A. bans leaded gasoline also millions of boaters will be affected plus recreational vehicles.

I think the state of Michigan will be hurt in the tourist industry if nobody can travel who already owns vehicles that take leaded gas.

Can you do anything about this ban on leaded gasoline?

Respectfully,

ROBERT W. HUFF.

COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, September 30, 1985.  
Hon. LEE M. THOMAS,  
Administrator, Environmental Protection  
Agency, Waterside Mall—West Tower,  
Washington, DC.

DEAR MR. THOMAS: Thank you for your August 14, 1985, reply to my July 15 letter concerning the Environmental Protection Agency's (EPA) rule reducing lead in gasoline to 0.10 grams per gallon in January and your proposal to ban such lead entirely in 1988. Your reply was interesting, but it raised more questions than it answered.

1. You state that the EPA "data" are "representative of the effects" of the phasedown "that can be expected". What does EPA mean by "representative" insofar as the engines mentioned in my July letter are concerned? What are those data? How and when were they acquired?

2. You state that EPA does "not have extensive information on some of the specific types of engines (e.g., outboard motors) or uses (e.g. agricultural)". What does that mean? What information do you have? What safety problems exist regarding gasoline and gasoline mixtures for recreational boats and what is being done about them?

3. You state that the 0.10 gram standard "offers sufficient valve protection to those engines which may need lead under reasonable speeds and loads." What is the basis for this statement? Does the term "engines" include the engines referenced in my letter? What evidence do you have that gasoline at this level will, in fact, be produced, distributed, and sold after January 1 in the rural agricultural areas of Michigan and other States, taking into consideration the pipeline distribution system in these areas. For example, is this view shared by such groups as the National Petroleum Refiners Association? If you are wrong, what will be the impact after January 1 on the agricultural community, taking into account the enclosed survey by the Farm Bureau. Please explain banking and its impact.

4. You state you are "paying particular attention to the concerns of the agricultural community and are investigating thoroughly the use of unleaded gasoline in farm machinery that was designed for leaded gasoline." When was this investigation begun? What is its status? When will it be completed? Please describe the investigation. Does it cover gasoline at a level set for January 1?

5. Your letter also indicates that you are examining the "possibility of alternative additives" and that some "look promising." You mention a demonstration program. Your letter suggests that such additives are not expected to be readily available soon. But if leaded gasoline is not available in January and additives are also not available, what will be the results? When will additives be ready?

I share your concern about the health effects of lead from gasoline, paint and other sources. Reduction is clearly wise. But it is not clear to me that EPA has done a sound job in understanding the impacts of the January 1 reduction or a ban before reaching these conclusions. It appears that your research was once again incomplete. That concerns me. It should concern you as well.

I request your reply to the above matters by October 18, 1985.

Sincerely,

JOHN D. DINGELL,  
Chairman.

#### RESULTS OF FB SURVEY ON LEADED GAS (3,166 RESPONSES)

1. Of the total gallons of fuel used on your farm in farm equipment (trucks, tractors, mowers, etc.) what percentage would you estimate you use of each? This includes fuel purchased off the farm at a station for farm use.

Farm Unleaded Gasoline: Average: 16% (464 est. gallons/year).

Farm leaded Gasoline: Average: 84% (2,372 est. gallons/year).

2. How much equipment on your farm was originally designed to burn leaded gasoline and is still burning leaded gasoline?

Average farm	Number of units		Percent of time units run at 80 to 100 percent of maximum rpm	Estimated cost to buy all this equipment new today
	1972 and newer	1971 and older		
30 HP and up .....	2.1	3.4	70%	\$90,604
29 HP and under .....	2.9	2.1	81%	7,577

3. How much equipment on your farm was originally designed to burn no-lead gasoline and is still burning no-lead gasoline?

Number of Units 30 HP & Up—0.8, Number of Units 29 HP & under—0.5.

4. How much longer would you expect your leaded gas-burning equipment to remain in service on your farm if leaded gas continues to be available?

2% less than 2 years, 10% 2 to 5 years, 39% 5 to 10 years, 49% use indefinitely.

5. Could most of the lead burning equipment on your farm be modified to burn unleaded gas?

5% Conversion could be accomplished, 56% Conversion would not be economically feasible, 39% Don't know.

6. Have you burned unleaded gasoline in an engine designed to burn leaded?

5% It worked fine, 12% It would not burn quite right without adjustment to engine, 8% Didn't work at all, 75% I have never tried unleaded fuel in an engine designed for leaded fuel.

7. (The current EPA standard is 1.1 grams of lead per gallon). What amount of lead would be required for satisfactory operation of your lead burning engines?

82% Don't know, 14% Need greater than 0.5 grams of lead per gallon, 3% Reduce al-

lowable amount of lead to 0.5 grams/gallon, 1% reduce allowable amount of lead to 0.1 grams/gallon (as EPA's new rule).

8. How would the total elimination of leaded gas affect your farming operation?

70% It would really disrupt our fuel situation, 15% It would cause a few problems, but we would cope, 3% It wouldn't bother me at all, 12% Other.

9. What is your preferred method of keeping leaded gasoline available to agriculture?

32% Exemption, 25% Keep at 1.1 grams, 28% No answer, 15% Other.

I want to protect the public health through lead reduction in gasoline. But that must be done wisely and on the basis of sound research by EPA. I am not satisfied that in the case of some engines like agricultural machinery, EPA has conducted that research. Thus, I think the issue will not go away merely by passage of this amendment. Our committee may still have to address it by oversight at last.

Mr. TAUKE. I thank the gentleman, and I want to emphasize to the gentleman from Michigan and the gentleman from California that if for some reason some change will be made in the agreements that have been made, I, too, would be compelled to oppose any changes in conference on this issue.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from California.

Mr. WAXMAN. I want to commend the gentleman from Iowa and the gentleman from Illinois for raising the issue that is embodied and resolved, I think satisfactorily, by this particular amendment. It is narrow; it deals with a very real problem which you have brought to our attention. I appreciate the commitment, should others see this as an opportunity to expand it in ways that will be adverse to public health, to join us in opposing it. But for this limited purpose, I want to commend you for working out this amendment and I join in support of it.

Mr. TAUKE. I thank the gentleman for his cooperation.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I commend the gentleman for the initiative he has taken in offering this amendment. It could prove to be a vital step in changing our current policy, which is dependent upon petroleum products entirely, to switching to an alcohol fuels economy.

I continue to be concerned about the need for our Nation to shift to a greater reliance on alcohol fuels as a way of reducing the burgeoning trade deficit. This year, the trade deficit is expected to reach a record \$150 billion. One-third of that deficit is due to the cost of imported oil. If the United States could exploit the vast amounts of grain and corn that our farmers

produce, we could make a significant dent in the trade deficit and help our economic position at home and abroad.

We can reduce the trade deficit if our Government would only follow the recommendations of the U.S. National Alcohol Fuels Commission and the example of Brazil.

The Alcohol Fuels Commission issued an important report in 1981 which discussed in great detail how a coordinated public and private national effort to produce alcohol fuels would move the United States toward energy independence. It issued sensible recommendations to achieve this. Unfortunately, those recommendations have been ignored.

The Brazilian experience demonstrates how alcohol fuel can be an effective alternative to petroleum fuels. I recently saw firsthand that Brazil's public and private sectors have already established widespread production and distribution systems for alcohol fuels. They have in place automotive manufacturing operations which devote more than 90 percent of their production to alcohol fueled automobiles. They have in place a system for converting older vehicles to alcohol fuel operation. One-third of Brazil's automobiles currently operate on alcohol fuels. In 1984, our southern neighbor shaved \$2 billion from its import bill through use of alcohol fuels.

The United States can and should follow Brazil's example. We should vigorously promote alcohol fuel development. By doing this, we would not only reduce our trade deficit by reducing substantially the importation of foreign oil, but we would put the farm surpluses being produced at a record rate to productive use.

Currently, the U.S. alcohol fuels industry produces approximately 500 million gallons a year. This is insufficient to meet our needs. Last year, we imported \$100 million worth of alcohol fuels. The demand in our country will be even greater as lead is phased out as an octane enhancer from gasoline consumed in the United States.

Mr. Chairman, the time is late but we must start now to make alcohol fuels an integral part of U.S. energy policy and of our assault on the trade deficit.

Mr. TAUKE. I thank the gentleman.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Illinois.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. TAUKE] has expired.

(On request of Mr. MADIGAN and by unanimous consent, Mr. TAUKE was allowed to proceed for 1 additional minute.)

Mr. MADIGAN. I thank the gentleman for yielding, and I wish to commend the gentleman from Iowa and

the gentleman from Oklahoma for their initiatives in this regard. But especially I want to thank the gentleman from California and the gentleman from Michigan, the subcommittee chairman of the Health and Environment Subcommittee and the chairman of the Energy and Commerce Committee, for their assistance in letting this committee deal with this very serious problem for the farmers and ranchers of America.

Mr. TAUKE. I thank the gentleman.

The CHAIRMAN. It is the Chair's understanding that the gentleman from Michigan [Mr. DINGELL] withdrew his point of order.

Mr. DINGELL. Mr. Chairman, I withdraw my point of order.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words, only to repeat again that the Committee on Agriculture, the gentleman from Illinois, and the gentleman from Texas, are cognizant of the problem that we face with this amendment. It had been addressed in proper form. A bill was introduced by the gentleman from Illinois, and the gentleman from Texas, and it was not our intention to burden the farm legislation with amendments of this nature in respect for the jurisdictional concerns of the gentleman from Michigan. But we have no control over amendments that might be introduced, and we appreciate now the gentleman reaching this agreement with us. But in the beginning, when the issue was addressed, it was not intended to in any way interfere with the jurisdiction of the committee which the distinguished gentleman leads.

Mr. BEREUTER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa. I have just one point that I wish to clarify for the record.

After the Environmental Protection Agency announced its intention to phase out lead in gasoline, many of my constituents in Nebraska expressed concern to me about the effect that a total ban on leaded fuel might have on their farming operation. Because of this concern, I support the amendment which the gentleman offers today.

I would point out that this same study was introduced as legislation in the House, earlier this year and I commend the gentleman for moving the intent of that legislation forward by offering it as an amendment to this farm bill.

Unfortunately, some of my constituents in Nebraska and the representatives of some farm organizations have incorrectly perceived any study such as this as an effort to halt the increased use of ethanol in gasoline. I think it is the clear intention of this body, and I think I speak particularly for Members from agricultural districts, that we do support the increased use of ethanol in gasoline not only because it creates an additional new market for grain, but also for environmental and health reasons.

However, before the Environmental Protection Agency makes any move to completely ban lead in gasoline, we must have a clear understanding of the impact such a ban would have on farmers and the machinery they use on the farm. Given the current state of our agricultural economy, it is indeed desirable that we examine whether a ban on all unleaded gasoline would further exacerbate conditions on the farm.

A recent study of the American Farm Bureau shows that on average, there are as many as 10 to 14 motors requiring leaded fuel on every farm. Unless there are adequate means for adopting the use of unleaded gasoline in these motors, an average farmer could spend thousands of dollars in replacement costs. Before farmers are forced to abandon the vehicles they are using now, we must consider the cost to the farm economy, and if necessary, continue to make some leaded gasoline available for older motors.

Again, I would stress that this amendment is not intended to preclude the future use of ethanol in gasoline, or stunt the development of the ethanol industry. Instead, this study will help guide both Congress and the administration to implement a lead phaseout policy which does not impose an unreasonable burden on our already financially strapped agricultural economy.

I urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TAUKE] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. JONES].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. JONES], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

Mr. CHAIRMAN. Has the amendment been printed in the RECORD as of September 24?

Mr. GLICKMAN. It has been, Mr. Chairman.

Mr. CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 503, after line 7, insert the following new section:

"NEW GRAIN CLASSIFICATIONS

SEC. 1873. The Secretary shall direct the Federal Grain Inspection Service and the Agricultural Research Service to cooperate in developing new means of establishing grain classifications taking into account characteristics other than those visually evident and shall report to the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry not later than December 31, 1985, on the status of those cooperative efforts as they relate to



more accurately classifying types of wheat and other grains now in use."

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this amendment is offered by Mr. ROBERTS and myself. The title is "New Grain Classifications." We have a serious problem out in wheat country with respect to classifying grain. With new technology we have been able to come up with new classes of grain, which functionally are the same, for example, as hard winter wheat, a classification called ARCAN, but visually, since it looks like soft wheat, it has been classified as such, which results in a lower price for Kansas farmers. This amendment would just merely direct the Federal Grain Inspection Service and the Agriculture Research Service to cooperate in developing new means of establishing grain classifications, taking into account characteristics other than those visually evident and reporting back to the committee of Congress as to the status of those cooperative agreements as they relate to more accurately classifying types of wheat and other grains now in use.

I yield to my colleague, the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank my colleague for yielding to me.

Mr. Chairman, I rise in support of the amendment. This amendment addresses a problem we are having in wheat country that today is only a problem but could turn into a crisis at harvest time next year.

The Federal Grain Inspection Service was created by Congress over a decade ago to grade and insure that buyers of U.S. grain are receiving a uniform standard quality of grain. The cornerstone to this process is grain grading based upon visual determinations of hardness or softness of the kernel. Visual examination of the kernel of wheat is currently the only acceptable method for identifying a class of wheat for grading.

However, through the miracle of modern science and advances in plant breeding, high yielding varieties have been released for farmers to grow. Many of these varieties commonly exhibit kernel characteristics of more than one class of wheat thereby causing difficulties in wheat classing. Some of the new varieties released by the plant breeders in the Great Plains have kernels that display both hard red kernels and soft red kernels.

The percentage of hard red winter wheat varieties exhibiting nontypical kernel characteristics is expected to increase in 1986 as more of the hybrid

wheat varieties are released and grown. This means that a larger percentage of the 1986 wheat crop could fall under the wrong classification. The current system, in place since 1914, is totally inadequate for the modern wheat varieties that are being developed.

It is time for Federal Grain Inspection Service to develop a new testing and grading system that will address the problems created by the new varieties of wheat. This amendment would require that FGIS and the Agricultural Research Service report back to Congress on what they are doing to address this problem. While this amendment is a good first step there are those who feel that we should mandate that Federal Grain Inspection Service and the Agricultural Research Service be given a specific time limit in which to come up with a new testing procedure. I won't advocate that at this time but I do want to serve notice we will have hearings on that subject.

I urge my colleagues to support this amendment. It is time we let the folks at Federal Grain Inspection know that Congress is serious on this issue. FGIS must come up with a new testing procedure that is in step with the technology of the eighties. Relying on a seventy year system of visual inspection is totally unacceptable to the grain trade, farmers, and our customers.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Texas.

□ 1650

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, I would like to inform the gentleman that the chairman of the Grain Subcommittee, the gentleman from Washington [Mr. FOLEY], informs me that they have no objection to this amendment. Accordingly, on this side, we would have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Title XVIII, page 509, after line 13 insert the following:

#### FARMLAND PROTECTION

"Sec. 1986. (a) Section 1546 of the Farmland Protection Policy Act (7 U.S.C. 4207) is amended by striking out the words "Within one year after the enactment of this subtitle," and substituting therefore "On January 1, 1987, and at the beginning of each subsequent calendar year,".

(b) Section 1548 of the Farmland Protection Policy Act (7 U.S.C. 4209) is amended by striking the words "any State, local unit of government, or" and inserting before the

period at the end of the sentence "Provided, That the Governor of an affected state where a state policy or program exists to protect farmland may bring an action in the Federal District Court of the district where a federal program is proposed to enforce the requirements of section 1541 of this subtitle and regulations issued pursuant thereto".

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, I do not believe this amendment has any controversy. I have talked to the ranking members of the subcommittees and the committee and the chairmen of the subcommittee and committee. It is a much scaled-down version of what I offered in committee to take care of the objections that were raised at that time.

What it merely says is that those States, of which there are 11, that have a farm land protection act, can if necessary, get the Federal Government to enforce their own regulations on farm land protection which merely state that they should consider the loss of farm land in implementing Federal programs. It does not have any teeth in it really.

This says that if they even refuse to do that, that the Governor of a State can get the courts to force them to at least do their own regulations.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, I have no objection to this amendment. The Department of Agriculture has been uncooperative and unresponsive to the Congress in administering the Farmland Policy Protection Act and this amendment would at least force them to report to us.

Additionally, I believe this amendment provides some authority to Governors of States which are trying to assist themselves to be more active in forcing Federal cooperation.

Mr. JEFFORDS. I thank the gentleman. I would point out that the other part of the amendment is only to have a report annually.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. BEREUTER. I thank the gentleman for his initiative. I certainly support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. JEFFORDS].

The amendment was agreed to.

## AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the CONGRESSIONAL RECORD of September 24?

Mr. BENNETT. Yes; it has, Mr. Chairman.

The clerk read as follows:

Amendment offered by Mr. BENNETT: Page 509, after line 6, insert the following:

## STRATEGIC STOCKPILE AUTHORITY

SEC. 1896. Of the commodities in the Commodity Credit Corporation or otherwise under the Department of Agriculture stores, one-half thereof as of January 1, 1986, shall be available for sale or barter with the proceeds to be used to furnish materials for the Strategic Stockpile without further appropriations therefor. Such sales or barter can be made within the United States or abroad and may be undertaken between the United States and other sovereign countries. To the extent that the assets of the Commodity Credit Corporation are reduced by this process, the full faith and credit of the United States shall be substituted therefor. The Commodity Credit Corporation shall take appropriate action to protect fully the assets of the Commodity Credit Corporation on the basis of the established value at the time of transfer of the assets for sale or barter. In such sales or barter the commodities need not be sold or bartered at a profit and no such sale or barter shall be effected which in the judgment of the Commodity Credit Corporation will seriously adversely affect production or prices in the United States or elsewhere.

Mr. BENNETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT. Mr. Chairman, this amendment is needed to put directly into the National Defense Stockpile—of strategic and critical materials—all such strategic and critical materials acquired by barter or sale of agricultural commodities owned by the Commodity Credit Corporation. The language in the bill allows sales and barter for such defense materials but places the warehousing, ownership, and management of such acquired defense materials in the Agriculture Department. With this amendment the bill can go to conference in a way in which all of these warehousing, ownership, and management matters will be in, and with, the established strategic stockpile authorities without duplication, bureaucracy, and waste. And the Commodity Credit Corporation will be protected by the full faith and credit of the Government, this being substituted for the materials and values otherwise owned by that corporation. In the bill in conference this will allow a better result than the bill now provides. I sincerely hope the amendment will be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The amendment was agreed to.

## AMENDMENTS OFFERED BY MS. SNOWE

Ms. SNOWE. Mr. Chairman, I have two amendments at the desk to title XVIII, and I ask unanimous consent that the two amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

The CHAIRMAN. Have the amendments been printed in the CONGRESSIONAL RECORD of September 24?

Ms. SNOWE. Yes; they have, Mr. Chairman.

The Clerk read as follows:

Amendments offered by Ms. SNOWE: Page 437, after line 2, insert the following:

## POTATO INSPECTION

SEC. 1805. The Secretary of Agriculture, in order to achieve a significant reduction in the volume of substandard imported Canadian potatoes entering through ports of entry in the northeastern United States, shall require the Agricultural Marketing Service to perform random spot checks in accordance with other law and on a continuing basis on a significant portion of potatoes entering through those ports of entry. The Secretary of Agriculture shall periodically report to the public and to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives the results of such spot checks and increase their frequency or take other actions as necessary to achieve and maintain the significant reduction of such substandard imported potatoes.

Page 509, after line 13, insert the following:

## POTATO ADVISORY COMMISSION

SEC. 1896. It is the sense of Congress that—

(1) the Secretary of Agriculture should take actions based on the recommendations of the potato advisory committee established by the Secretary on an ad hoc basis;

(2) such actions should address industry concerns including trade, quality inspections, and pesticide use;

(3) such committee should meet biannually; and

(4) the recommendations and actions of such committee should be reported to the Chairmen of the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, and to the public.

Ms. SNOWE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. SNOWE. Mr. Chairman, my first amendment simply instructs the Agricultural Marketing Service of the Department of Agriculture to continue current efforts to reduce the volume of substandard quality Canadian pota-

atoes from entering United States markets through Maine and other Northeast ports of entry.

This amendment is intended to reinforce the demands of Maine's potato industry that imported potatoes meet grade and marketing requirements, and be certified as such when these imported loads come into the country. Last year, at my request, the Agricultural Marketing Service began to perform random spotcheck inspections on Canadian imported potatoes. From mid-December until mid-May, the end of the shipping season, 20 percent of the 370 loads inspected were found to be substandard.

My amendment is simple. The Agricultural Marketing Service would be instructed to perform an adequate number of inspections, and take other steps as needed, to significantly reduce the volume of loads found to be in violation of U.S. marketing standards. My amendment contains no time limit or specific requirements other than the requirement that the results of these inspections be periodically reported to the public and to the House and Senate Agriculture Committees.

The purpose of this amendment, Mr. Chairman, is to give Maine's potato industry greater assurance that imported potatoes are meeting the same quality requirements that they are now required to meet. Judging from the results of last year's inspections, an obvious quality problem exists. I believe this is a problem which merits more concerted attention from the Agricultural Marketing Service.

My amendment requires the Department to make more of an effort to assure that the quality of the potatoes imported through Maine meets existing standards. I urge my colleagues to support this amendment to improve the Maine potato industry's ability to compete fairly with our Canadian neighbors.

Mr. Chairman, my second amendment will require the Department of Agriculture to take actions based on the recommendations of the Potato Advisory Commission to assist this industry.

This commission, an ad hoc group composed of representatives of the potato industry and representatives of the Department of Agriculture, was formed earlier this year to address the concerns of the potato industries in Maine and other States, and to bring potato industry officials in closer contact with the Secretary and other department officials on economic and trade issues.

Secretary Block announced the formation of this Advisory Commission in December 1984, to bring industry representatives here to Washington on a periodic basis to develop policies to better assist potato producers. The Commission has met on three occa-



sions—in March, June, and most recently on September 25.

My amendment is a sense-of-Congress resolution that the Secretary of Agriculture should act, based on the concerns and recommendations of the Advisory Commission, to provide greater assistance to the potato industry. In addition, my amendment states that the Commission should meet at least twice a year, and that the results of these meetings should be reported by the Department to the House and Senate Agriculture Committees.

Potato producers, nationally, and especially Maine potato producers, are facing difficult problems on account of cheaper, subsidized imports, which are underselling our potatoes in our own markets. The Potato Advisory Commission has begun to look at these issues, and to make recommendations to the Department of Agriculture. In addition, the committee has been concerned about gaining a better understanding of pesticide regulations in Canada and the United States, and about differences between the two countries on systems of quality inspection. Through this exchange with the Department on issues of specific concern to the potato industries, I think we can make great strides in helping our producers make a living on the farm.

Despite the demonstrated value of the Commission over the past 12 months, there is room for improvement. Being strictly advisory, however, doesn't give this Commission an opportunity to recommend policy changes and to see the Department take real concrete steps to respond to their recommendations. My amendment simply urges the Department to take advantage of this forum to address the real concerns of an important agricultural sector: the potato industry.

My amendment does not make this advisory panel a permanent body, or place undue restrictions on the format or conduct of their actions. What my amendment will do is reinforce the importance of the Commission, thereby bolstering the efforts of the Department and Congress to address the needs of this industry.

Mr. PANETTA. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman.

Mr. PANETTA. I thank the gentlewoman for yielding.

Mr. Chairman, we have discussed these amendments. It is my understanding that these amendments basically say to the Department, "Do what you are supposed to do under the law. Do the random checks; implement the protections that are built into the law as it exists now."

For that reason, we would have no objection on this side to accepting those amendments and reemphasizing

what indeed the law says in the potato area.

Ms. SNOWE. I thank the gentleman for his comments with respect to the amendments. That is precisely what they would do. The Potato Advisory Commission, again, is to take actions based on the recommendations of that Commission because there are a number of problems not only facing the Maine potato industry but also our Nation's potato industry. I think this kind of exchange is the best way to go about it in addition to having the inspection services as well.

Mr. EMERSON. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman.

Mr. EMERSON. We on this side have examined the gentlewoman's amendments and find them perfectly acceptable and commend her for her efforts and are glad to accept the amendments.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman.

Mr. GILMAN. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of the amendments offered by the gentlewoman from Maine [Ms. SNOWE] assisting our beleaguered vegetable farmers in their continuing efforts to remain competitive with our trading partners. I commend the gentlewoman for her thoughtful approach to this sensitive trade issue, and for her hard work on behalf of our domestic agricultural industry.

Importation of certain vegetable commodities into American markets has had a devastating effect upon our domestic producers. In that regard, I introduced legislation once again in this Congress, imposing a temporary surtax on certain of these commodities in the event that they enter the United States in such volume and at such reduced prices as to cause injury to American farmers. My bill, H.R. 110, requires the Secretary of Agriculture to monitor cabbages, carrots, celery, lettuce, red and yellow storage onions, potatoes, and radishes to determine from volume and benchmark prices the extent of economic impact on our domestic growers. I am pleased to note that my legislation enjoys the support of the gentlewoman from Maine [Ms. SNOWE] as well as several other concerned Members of Congress from the afflicted Northern States. The fight to save our domestic vegetable market from continued erosion is a cooperative effort—I am pleased to be able to speak in support of Ms. SNOWE's amendments.

The gentlewoman's amendments will reinforce our efforts to keep the U.S. vegetable industry competitive. This past December the Secretary of Agriculture John Block, recognized the

unfair trade situation facing our domestic producers when he established the Ad Hoc Potato Advisory Committee. Comprised of industry representatives drawn from across the United States, the ad hoc committee has met three times over the past 10 months to discuss the continuing problem of imports undercutting our domestic product. While I commend the Secretary for his December initiative, I would like to take this opportunity to express my strong support for the extension of this program to embrace other troubled commodities.

I represent an area of New York known as the "black dirt region." Some of this country's finest onions are grown in this sector of Orange County. I can assure you that my farmers are hurting and that they would benefit immeasurably from the creation of an Ad Hoc Advisory Committee on Onions. Accordingly, I strongly urge the Secretary of Agriculture to consider extending this model program.

The amendment offered by the gentlewoman from Maine clarifies the role of the Ad Hoc Potato Advisory Committee by requiring that: First, the Ad Hoc Potato Advisory Committee meet at least twice a year; second, the Secretary of Agriculture take action to relieve the burden on our domestic producers based on the ad hoc committee's recommendations; and third, that the Secretary of Agriculture should report publicly to both the House and Senate Agriculture Committees on actions taken by the ad hoc committee.

Compounding the difficulties facing our American farmers in their constant battle to remain competitive with imported commodities, is the importation into his country of substandard products bearing USDA approvals. The Agricultural Marketing Service has been conducting random spot checks at the U.S. border to ensure that potatoes entering this country are up to prescribed standards. The second amendment offered by Ms. SNOWE expresses the support of Congress that the Agricultural Marketing Service should continue these random spot checks and that they should increase the frequency of these checks in an effort to maintain significant reductions in the movement of substandard product into this country. I encourage the Secretary of Agriculture to enlarge the scope of the random check program to include other affected commodities.

Events of the past several weeks have made clear to all of us that U.S. trade policy needs to be reviewed and reformed. The time to act is now. Accordingly, I urge my colleagues to support the Snowe amendments.

Ms. SNOWE. I thank the gentleman for his comments. I think both of

these endeavors certainly can complement what the gentleman is suggesting in trying to address other commodities that are facing similar problems with respect to imports from Canada. I think the kind of advisory commissions established by the Department of Agriculture for the potato industry could be extended to other commodities as well.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Maine [Ms. SNOWE].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD of September 24?

Mr. DASCHLE. Yes; it has, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. DASCHLE: Page 434, line 3, insert "(a)" after "Sec. 1803."

Page 434, after line 23, add the following: (b) Section 20(f) of the Federal Meat Inspection Act (21 U.S.C. 620(f)) is amended by adding at the end thereof the following:

"(g) The Secretary may prescribe terms and conditions under which cattle, sheep, swine, goats, horses, mules, and other equines that may have been administered an animal drug or antibiotic not approved for use in the United States may be imported for slaughter and human consumption. If the Secretary determines that the use of an animal drug or antibiotic in any of such livestock is harmful to the health of man and that it is impossible to determine the livestock being imported do not harbor any residue of such animal drug or antibiotic, the Secretary may issue an order forbidding the entry into the United States of such kind of livestock from any country that allows the use of such animal drug or antibiotic in the production of such livestock in such country. No person shall enter cattle, sheep, swine, goats, horses, mules, and other equines into the United States in violation of any order issued under this subsection by the Secretary."

Mr. DASCHLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

□ 1700

Mr. DASCHLE. Mr. Chairman, the amendment I am offering today will strengthen our meat inspection laws with regard to the importation of live animals, by providing the Secretary with direct, discretionary authority to deal with imported slaughter animals suspected to be unfit for human consumption. This amendment addresses the question of the use of nonapproved animal antibiotics in the production of imported slaughter animals.

Current statute allows the Secretary the authority to ban the importation of carcasses, meat or meat products

that are considered to be "adulterated." While it is not impossible for the Secretary to broaden this section to include live animals, no specific reference is made to live animals, and how these products might be considered to be adulterated. Herein lies the problem.

My amendment gives the Secretary the direct, discretionary authority to address this issue by prescribing the terms under which live animals may be imported for slaughter and human consumption. Under my amendment, this authority extends to imported slaughter animals which may have been administered an animal antibiotic not approved for use in the United States.

If the Secretary determines that it is impossible to detect residues of such nonapproved drugs or antibiotics in the live animals, and that the use of that nonapproved drug is harmful to the health and welfare of the consuming public, the Secretary may ban the importation of that class of animal. This ban would apply to every country allowing the use of this drug in the production of that class of animal, until such time as that country no longer permits the use of that drug in the production of that class of animal.

Livestock producers in this country have a legitimate complaint. On one hand, our Government forbids the use of a particular drug or antibiotic in the production of our domestic slaughter animals. Many times the use of these drugs is not approved because of the severe health hazards their use may cause to consumers of these meat products. At the very same time, this same Government permits live animals to be imported from countries which permit the use of the very same drugs we prohibit our own producers from using because of health reasons.

Producers ask, and rightly so, why the use of these drugs are not a health hazard in foreign imports, but is in our own domestically produced animals. This amendment will give the Secretary the unqualified authority to answer those producers.

Concern with the use of nonapproved animal drugs is as much a consumer issue as it is a producer issue. Consumers have every right to know that their meat products are safe for human consumption. By providing the Secretary with the clear authority to ban those imported animals that might be suspect to contain hazardous drugs, we are ensuring that he has the legal authority to make certain that consumers are, in fact, enjoying the safest possible meat products. I urge the inclusion of this amendment in the 1985 farm bill.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentleman's yielding, and this is to advise him that we have examined the amendment on our side and would have no objection to its adoption.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I appreciate the gentleman's yielding. I am looking at the amendment, and I just do not find any basis upon which to raise an objection to it, so I think we are going to accept it on this side.

I thank the gentleman for yielding.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of the amendment offered by my colleague from my neighboring State of South Dakota, Mr. DASCHLE.

As my colleague has pointed out, this amendment is needed to extend the authority of the Secretary of Agriculture to impose limits on the importation of live animals that contain levels of chemicals that could cause a health hazard to our consumers. As the gentleman points out, current authority allows for addressing problems with processed products, and this added authority is needed, as well.

Earlier this year, live hogs were being imported from Canada into the United States that may have contained dangerous levels of chloramphenicol and other substances that have been banned in this country. It places our producers on a particularly unlevel playing field when we import live animals from countries that do not have high environmental and cleanliness standards, and yet do not allow our own producers access to these same chemicals and technologies.

Mr. Chairman, I strongly support this amendment to level the playing field for America's agricultural producers.

Mr. DASCHLE. Mr. Chairman, I thank the gentlewoman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. DASCHLE].

The amendment was agreed to.

Mr. LOTT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. LOTT. Mr. Chairman, America's cattlemen are facing their worst market in 17 years. Since January, feed cattle prices have dropped 25 percent, and many producers, from cow-



calf operators to feedlot owners, are being forced into bankruptcy.

Despite these hard times, cattlemen are not asking for Government assistance. Instead, they are asking us to give them the opportunity to help themselves. The Beef Promotion and Research Act would give them that opportunity.

By enabling cattlemen to initiate a \$1 per head checkoff, we allow them to raise the money for much needed research, education, new product development and promotion programs. But this bill does not supercede existing State and national beef promotion programs. In fact, Mr. Chairman, up to one-half of the funds collected could be under State control. And rather than create a new bureaucracy, this bill utilizes and reinforces the existing industry structure.

Cattlemen desperately need, and want, the Beef Promotion and Research Act. A recent survey by an independent research service showed that more than three-fourths of the Nation's cattlemen believe that a checkoff is an important investment in their business. The average checkoff recommended was just over \$1 per head—the same amount that the Beef Promotion and Research Act calls for. And this bill has strong, industrywide support.

The cattle industry has served us well through the years in providing a safe and wholesome source of nutrition. It's time for us to help the industry through these trying times. Mr. Chairman, the Beef Promotion and Research Act does not solve all the industry's problems, but it is a start. We owe them that much.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I rise to ask if Willie Nelson is around and can rush to our assistance. I think we may need some aid before the evening is over or before this farm bill is disposed of or the small farmer is disposed of completely.

I would like to ask the distinguished chairman of the Committee on Agriculture, what has happened to all the amendments that were put in to assist the family farmer, whom I have joined with an urban-rural coalition to help save? Could the committee chairman respond briefly to that question, please?

Mr. Chairman, I yield to the gentleman for that purpose.

Mr. DE LA GARZA. Mr. Chairman, I would be very happy to respond to the gentleman and point out that we have addressed that issue. As a matter of fact, we accepted a series of amendments offered by our distinguished colleague, the gentleman from Brook-

lyn, NY, Mr. Towns, that addressed that issue in part.

Our concern extends beyond that. As we work through this legislation, we do not depart in any way whatsoever from the fact that we must address the issue of the family or the small farmer.

There have been attempts to divide or to strike at the big farmer or strike at the small farmer. But I think the gentleman should be proud of the way our committee has addressed that issue. Specifically, again I go back to our colleague, the gentleman from New York [Mr. Towns]. I point out that the gentleman from Brooklyn, the inner city of Brooklyn, has developed enough expertise to offer amendments to this legislation.

Mr. CONYERS. Mr. Chairman, is the gentleman saying, then, that I should be able to face in public the small farmers in America, because if they understood what the gentleman knows is in this bill, they would be proud of my support for this measure?

Mr. DE LA GARZA. I would assert to the gentleman in the affirmative, that certainly he should support it, and if he would, I would stand alongside him.

Mr. CONYERS. Then let me ask the committee chairman another question.

I am one who has been troubled in this House for many years about these several conditions in food: First of all, we have 35 million people living in poverty in America, many of them suffering from malnutrition. Second, we pay billions of dollars to farmers not go grow. Third, we are now faced with the world's worst famine, the worst famine in history, where 21 nations in Africa are in peril.

Is there some way I can explain to reasonable Americans why we are still paying people for being too efficient, why we are still driving thousands of small farmers into bankruptcy and into the cities, and why people are starving not only in America but in the world? Does this measure in any way address those questions?

Mr. Chairman, I yield to the distinguished chairman of the committee, my friend, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, if I were to address the question of the gentleman in its proper form and give the answer which it merits, it would take hours. All I can attest to the gentleman is that we have addressed the issue and know that we do not specifically pay billions of dollars for someone not to plant. But there is a combination of very intricate but yet troubling problems of legislation.

The problem with famine is not that the food is not there; it is that it is in the wrong places, and sometimes the problem is with the government, like with the famine in Sudan and Ethiopia. It is not that we were not willing to send. They have problems with

their governments. They have marketing problems, storage problems, and transportation problems.

Here in America it is the same way. There is food, but something else went wrong. It was not the fault of the farmers. It is that the man does not have a job, there was a disaster in the inner city, or there was unemployment, low employment, and underemployment. That is the problem.

But the gentleman should be proud of the fact that our legislation has afforded the American constituency food at the least amount of disposable income per family for food. It is only 1 percent of the total budget. It is not all those billions; it is 1 percent of the total budget. But something else went wrong. If a fellow does not have a job, then we need to address that issue in other legislation, not here.

For 1 percent of the total budget we have given the American people the best-quality food in the world for the lowest amount of disposable income of any country in the world. But there are other things that impact it, and we cannot handle it all in this legislation.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(On request of Mr. ALEXANDER, and by unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to my colleague, the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for sponsoring the bill which he and I joined together to introduce and which is designed to save the family farm and to also save the American taxpayer from the enormous burden placed upon the taxpayer by the current farm policy which the bill under consideration tends to continue.

I advise the gentleman, together with all the other Members, that at the conclusion of the debate on titles I will offer the farmers' solution to the farm bill as an amendment in the nature of a substitute and give to the gentleman, together with all other Members, the opportunity to save the family farmer in America.

Mr. CONYERS. Mr. Chairman, I am glad to know that, and I will be there cheering and rooting for you. But does that turn upon a unanimous-consent request?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has again expired.

(On request of Mr. ALEXANDER, and by unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield further?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, there is a perfecting amendment that will be offered to the amendment in the nature of a substitute which will seek permission from the House to adopt all of the actions heretofore entered into during deliberations by the Committee of the Whole on the State of the Union, so that the only provision that will be under consideration as presented by my amendment in the nature of a substitute will be Provision No. IV-A, which will achieve the goals that the gentleman from Michigan wishes to achieve to save the American farmer.

□ 1710

Mr. CONYERS. I thank the gentleman.

Mr. Chairman, did the chairman, the gentleman from Texas [Mr. DE LA GARZA], wish to respond? I yield to the gentleman.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to advise the gentleman that apparently the legislation which the gentleman has cosponsored will increase the cost to the consumers, to the poor in the neighborhoods throughout urban America.

Mr. CONYERS. In other words, we are going to cut the consumer and the inner city—

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has again expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, in other words, the gentleman is telling me that if I support small farmers, the family farmer, through the substitute legislation that has been referred to, that I will then be in some concert to raise the price of food for consumers and people in the inner city.

Let me just say to the gentleman that as I understand it, as the family farmer is being driven off the land, it is the corporate farmer that is taking up huge acreages and they in concert, as corporate farmers are given to do, are going to be in control of the prices, and no matter what we are going to pay through this amendment, we are going to pay more ultimately when farming becomes a corporate enterprise in its totality.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. ALEXANDER. Mr. Chairman, the gentleman is entirely correct. But on the question of increase in consumer prices, under the gentleman's—

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has again expired.

(At the request of Mr. ALEXANDER, and by unanimous consent, Mr. CONYERS was allowed to proceed for 30 additional seconds.)

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. ALEXANDER. Mr. Chairman, the increase in consumer prices projected by my amendment which I will offer, which the gentleman sponsored, will be 1 percent of the Consumer Price Index. That translates into a 2-cent increase in the price of a loaf of bread.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

#### AMENDMENT OFFERED BY MR. BADHAM

Mr. BADHAM. Mr. Chairman, I offer an amendment that was printed in the RECORD as of September 24.

The Clerk read as follows:

Amendment offered by Mr. BADHAM: Page 432, strike out line 18 and all that follows thereafter through page 433, line 4, and redesignate the succeeding sections accordingly.

Mr. BADHAM. Mr. Chairman, this amendment which I have offered has been played in the press, to be modest about it. It is an amendment that has had a great deal of smoke put forth around it. This is the so-called egg-breaking amendment. It is not very complicated, but it has been made somewhat complicated.

A constituent of mine woke up some weeks ago one morning and found out by reading the newspaper, without any prior knowledge or information or request to testify, that the company that he started some 5 years ago to produce an egg-separating or egg-breaking machine had been put out of business by a two-line amendment in the agriculture bill that had been marked up, without hearing, without debate, and by a voice vote. He sought properly to get redress for this action, which he considered not too politic or congressional, with the Congress of the United States and for this purpose he called on his Congressman. For that purpose then, being his Congressman, I have learned more about eggs and salmonella and egg-breaking machines and the USDA and the content of eggs, their transport and processing of eggs, than I honestly ever wanted to know; but I do want to take the time of this House to set right the wrong that has been perpetrated on the consumer, on progress, on technology, and the agriculture producers of our great country.

There are at least two or three different kinds of hen eggs. Eggs sold into commerce can only be grade B or better, which means that they must be sanitized. They must be whole. They cannot have any cracks or chips or smells. They cannot have any manure on the outside of them. They are able

to be sold into commerce and they are clean and they are fresh.

The problem comes when people in restaurants, people in bakeries who go for higher quality produce merchandise, want to use eggs that are fresh, wholesome and grade B or better in their cooking and in their baked products.

One of the catches in there that enables people to use whole fresh grade B or better eggs is the difficulty and the length of time and the cleanliness involved by breaking eggs by hand in a restaurant or a bakery, both of which are governed or licensed or inspected—not by the USDA, but the Food and Drug Administration for cleanliness and handling.

Just recently, 50 people in the local area got sick from salmonella poisoning, 50 people. They traced it—where, to a restaurant. To a machine? No, to hand-breaking eggs, because the hands of the people breaking the eggs were dirty and it caused disease.

Now comes a man who invents a machine, call it Egg King, Egg Master or whatever. This machine is a centrifuge that operates with perforated cylinders inside and going at 3,400 r/min's, a pretty fast machine, and will break literally scads of eggs per minute. All of a day's production can be broken in about 1 hour and perfectly separated and therefore there is no shell remaining in the egg liquid. The egg liquid is cooked, and I stress that, because it is pasteurized in accordance with the instructions on the machine and the egg material, the egg liquid, is pasteurized. It is removed from the shell and any salmonella that could possibly be present, and these go from refrigerator to separation to liquid within literally seconds. There is no salmonella because it has been pasteurized or cooked or baked, according to the instructions on the machine.

The State of Hawaii tested this machine time after time. They discovered that it was not only good, it saved money and ended up with a cleaner product.

The CHAIRMAN. The time of the gentleman from California [Mr. BADHAM] has expired.

(By unanimous consent, Mr. BADHAM was allowed to proceed for an additional 5 minutes.)

Mr. BADHAM. The State of Hawaii is somewhat at stake at this amendment because it has put its whole department of health on the line in saying that this machine is good.

The Food and Drug Administration, again which I reiterate is the only outfit that licenses, inspects, and regulates the kinds of industries that use the machine: namely, bakeries and restaurants. There are some 700 of these machines in operation throughout the country, some 700 over the past 5 years.



Mr. Chairman, there has never been one complaint or one showing of any salmonella coming up in these, because you just cannot get salmonella poisoning material that is grade B or better, sanitized on the shell, and it has been pasteurized or cooked.

It may come up in the debate, if there is a debate against this very simple bill, to allow progress to go ahead in this country by technology, lowering prices to consumers and lowering prices to restaurants and bakeries for higher quality products. It may come up that the University of Nebraska ran some sort of a test. I talked to the people at the University of Nebraska. The test that they used that might be shown in their letter was done on a grade lower than B that could have dirt on the shell. There is a less polite word for dirt on an egg shell, but that is what we are talking about, dirt on an egg shell lower than grade B. The eggs were not sanitized. It was also done in a manner that the eggs were left standing, and naturally salmonella being an airborne virus, can do it.

It did not say the eggs had to be cooked, so you can get salmonella that way in laboratory testing; however, at the same time that the people at the University of Nebraska were talking to us, the head of the food services at the University of Nebraska called us and said, "Please, don't let them do anything. We use this machine and it is a wonderful labor saving device. Please don't let the science department tell you something that just isn't plain true. We see no salmonella."

□ 1720

The USDA somehow got into this act. In October 1983, the machine was approved by USDA. On March 29, 1984, the approval was rescinded. On March 13, 1985, the machine was again reinstated as approved by USDA. On June 18, 1985, the USDA offered a paper saying they agreed with the so-called Thomas amendment that I am trying to remove.

On September 12, 1985, the Assistant Secretary, Mr. Ray Lett, was met with and he said the Department should withdraw its support of the Thomas amendment. Sometime shortly after that they went back to supporting the amendment. On October 3, 1985, conversations with my office indicated that they were formally withdrawing support of the amendment and were so advising Mr. THOMAS. On the same day, after 6:30 that night, they flipfopped again, according to a Wall Street Journal reporter.

So there is a little something going on here. But ladies and gentlemen, however you vote on my amendment to allow a machine to be used that is used in USDA-licensed egg-breaking plants, that I will get into in a moment, do not think for a moment

that the subject is health or salmonella. It just plain is not. This machine, as used in an authorized and regulated-by-USDA establishment, has to use grade B or better, the material has to be pasteurized, no salmonella, no doubt.

The USDA does come up with one argument, because they say that the shell can commingle with the liquid and, therefore, can be subject to salmonella. Again, it cannot if it is pasteurized, and cooking pasteurizes it. But I want my colleagues to know that in the regulations involving USDA-licensed egg-breaking plants, where eggs are broken by human hands, separated, the shells go one way in just about all cases and the liquid goes another way, until they find out, just like you do at home and just like you do at Denny's, you get little pieces of shell in there. The USDA recommends that to remove those segments of shell from an egg-breaking plant licensed by USDA which do not use grade B or better, they use C or lower, which have egg dirt on them, that that liquid, before it is frozen or powdered, if you like frozen or powdered eggs, be run through a separator, a clarifier, or a centrifuge before it goes into the freezer or powder, be purposely run in there to what—to commingle with the egg shell and get them out.

The CHAIRMAN. The time of the gentleman from California [Mr. BADHAM] has again expired.

(On request of Mr. BROWN of California and by unanimous consent, Mr. BADHAM was allowed to proceed for 2 additional minutes.)

Mr. BADHAM. Just a couple more points.

Remember, colleagues, we are not talking about salmonella. We are talking about progress and the restriction of it by somebody who does not want a machine in competition. We are also talking about the bakers of our country, the restaurant people, the hotel people of our country, who want this machine because it allows them to give a better and higher grade product.

So we are talking about an amendment that was slipped into the bill by voice vote, without hearings, and I am asking my colleagues in the name of progress and justice to undo that wrong that was done.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I would be happy to yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for bringing this matter up. I recall it being discussed in the committee and being adopted. I raised some questions in the committee at the time as to what the purpose behind this was. I have certain objections to restrictions on technology myself. I be-

lieve I was reassured by what I thought was the position of the Department of Agriculture at that time. I did not realize that the matter had gone through several variations, as the gentleman has indicated here.

It seems to me this subject is an idea candidate for further study and hearings by the full committee.

The CHAIRMAN. The time of the gentleman from California [Mr. BADHAM] has again expired.

(By unanimous consent, Mr. BADHAM was allowed to proceed for 4 additional minutes.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further?

Mr. BADHAM. I would be happy to continue to yield to the gentlemen from California.

Mr. BROWN of California. I think obviously from what the gentleman has said there are factors behind this that warrant further investigation. There may be a legitimate case for the language, but it has not been demonstrated to me yet and I hope that the House will see the wisdom of the gentleman's amendment and allow the committee to study this further before bringing back a more desirable amendment in the future.

Mr. BADHAM. I thank the gentleman for his contribution. I think the U.S. Department of Agriculture might even have the good sense to want to study this device. They have flipfopped on it so many times, it is about time they decided whether it was good or whether it was bad. I am satisfied to stand by the operation of this machine in any test that anyone can devise, using the method of operation as instructed on each and every machine, which is made of stainless steel and has to be cleaned every 4 hours.

Again, ladies and gentlemen, let me stress that this is not a matter of salmonella. There is not going to be any salmonella in a pasteurized egg. The breadth of this amendment also is such that no matter what USDA says and whatever the proponents of the amendment might have us believe, the amendment prohibits any egg use in a public place, inspected by the USDA, unless the insides of the egg are examined before cooking.

Ladies and gentlemen, there go our hard-boiled eggs, our soft-boiled eggs and our pickled eggs.

Mr. STRANG. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I would be happy to yield to the gentleman from Colorado.

Mr. STRANG. I thank the gentleman for yielding.

Mr. Chairman, does this mean a restaurant would have a problem in serving a hard-boiled egg?

Mr. BADHAM. If they did not want to go afoul of USDA or FDA, absolutely.

Mr. STRANG. I mean under the gentleman's amendment would this create a problem?

Mr. BADHAM. Under my amendment, things would be exactly as they are now in the 37,000 restaurants, I believe, that are using the 700 machines licensed by FDA. They would continue just as they are now, no salmonella, grade B or better eggs.

Mr. STRANG. I am sure the gentleman, like me, has been in restaurants where the only thing one felt safe eating was a hard-boiled egg which one peels himself. Would this affect that?

Mr. BADHAM. Not in any way if my amendment passes.

Mr. THOMAS of Georgia. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. BADHAM].

Certainly I admire my colleague for speaking out on behalf of his constituents, but I must oppose my distinguished colleague on this issue because there are several points that I believe the House must consider and then reject this amendment.

Let me say very loud and clear that the technology that we are talking about is a hazard to public health. The U.S. Department of Agriculture said so and the egg producers themselves say so as well. It is a hazard to public health because it is an egg-crushing processor, not an egg-breaking process. Eggs are literally dumped into the machine along with traces of blood, chicken manure, dirt, rot and fragments of paper egg cartons.

The USDA says that there are now safeguards that can prevent that. Let me say that again: Eggs can be dumped into the machine along with traces of blood, chicken manure, dirt, rot and fragments of paper egg cartons. The entire mess has been crushed together and mixed together before the shell fragments are removed. That is what USDA has said and that is why this technology has been banned from egg processing plants since 1970.

If my colleagues have any doubts about USDA's opinion on this issue, then I would simply point out one other fact. The more this process is used, the more eggs will be used and the more money the egg producers will make, but guess what, the egg producers themselves are opposed to this amendment and to the use of this egg-crushing machine. They are opposed because they know that it is just a matter of time until someone gets seriously ill or perhaps dies from salmonella poisoning as a result of the use of this very process.

Let me say that again: The issue here is that it is just a matter of time before someone gets seriously ill or perhaps dies from salmonella poisoning as a result of the use of this proc-

ess that, follow me closely, was outlawed in 1970.

Let me get something straight here. Hearings were held. They were held in 1970 on this very issue, more than 15 years ago, and that is why, my friends, Congress passed the Egg Products Inspection Act and that is why this egg-crushing process was outlawed by USDA in egg processing plants.

This type of egg-crushing process was not then used in businesses such as bakeries and restaurants and hotels, and so forth, and so the regulations were not extended into such establishments. Thus, the loophole that allowed this dangerous, old technology—it is not new technology—to be extended into new uses was not banned. Now we must act, in my opinion, to close this loophole.

I respect my distinguished colleague from California, but I must call for the position of USDA itself and the committee to be upheld in order to protect the public health.

Let me conclude my comments with a couple of other remarks. Those standards that were set there some 15 years ago provided first for one thing: that it was in the best interest of the public, for sanitary reasons and health reasons, that in the process of cracking eggs that the shell and the interior of the egg not be mixed and, of course, this is exactly the way the machine works, to crush the entire egg and shell in the process.

□ 1730

It presents a second and very important thing that was set down in those provisions in 1970, and that was after all the steps that could have been taken and had been taken to put a clean egg there before the cracking machine, that there was one last step, and what it was was simply to crack the egg and look at it, to separate the shell and the egg and to visually observe, and from what is called organoleptic inspection of sense, of smell, and sight, to determine at last phase if there were no rot, or bloods, or any other imperfections in the egg, or for that matter, any matter on the outside of the shell of the egg, and to give it that last inspection. Of course, this machine, where plates of eggs are dumped into the machine at the rate of 360 a minute, that is 6 per second, that, therefore, that process is totally precluded.

Now let me tell you, FDA has not rendered any position on this machine as to its being acceptable. USDA has, and I want to read, since my colleague has brought about some question of USDA's position, let me read you USDA's position from their own hand.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. THOMAS] has expired.

(By unanimous consent, Mr. THOMAS of Georgia was allowed to proceed for 5 additional minutes.)

Mr. THOMAS of Georgia.

DEAR CONGRESSMAN THOMAS: This is to reaffirm our support for your amendment to the Egg Products Inspection Act.

Now listen closely:

We want to emphasize that we have never waived on our support of your amendment as it relates to plants operating under our jurisdiction. There did arise the question as to the propriety of our taking a position on that portion of the amendment under the jurisdiction of FDA. In reviewing our position more closely, we fully support your amendment.

One other letter that I would like to submit from the Department of Agriculture is dated October 4:

This is to clarify the impact your amendment to the Egg Products Inspection Act would have.

I want to read this because my colleague would have you believe that possibly this is the end of ordering a hard-boiled egg or a pickled egg in a restaurant, and of course, this provision as it stands in the committee at this time would have absolutely no effect on that. Cooked eggs are not considered processed eggs and, therefore, are totally out of this provision.

Let me go back and again read this letter:

This is to clarify the impact your amendment to the Egg Products Inspection Act would have on firms that hard-boil, soft-boil, and pickle eggs.

Your amendment would have no impact on the processing and marketing of these eggs. The EPIA specifically regulates the "processing" of liquid, frozen, and dried egg products. "Processing by definition in the EPIA, means "manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products." "Processing" does not include "cooking." Therefore, the EPIA is not amenable to the processing of cooked shell eggs.

This concludes my comments. I would ask the Members of this body to consider very carefully those points that I have made, and at this time I would be happy to yield back my remaining time.

Mr. REID. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

(Mr. REID asked and was given permission to revise and extend his remarks.)

Mr. REID. Mr. Chairman, I rise to speak in support of the amendment offered by my colleague from California. We have worked together as members of the Congressional Travel and Tourism Caucus and I appreciate his bringing this amendment to the floor of the House.

I must admit that I am somewhat perplexed as to the intent of the language in the bill. For example, the bill states:



No person shall process for commerce, any eggs for human consumption that (1) does not allow examination of the content of individual eggs being processed.

Does this mean that a customer may not go into a restaurant and order a hard or soft-boiled egg? Certainly the content of such an egg cannot be examined unless the proprietor is to stand and watch each egg as it is cracked by the customer. I can imagine the problems this would create in the case of room service.

Additional language states:

No person shall process for commerce, any eggs for human food in any manner that allows egg content to come in contact with the egg shell or shell membrane during the process.

What is the problem? Is it the personnel or the equipment? In either case, I submit it is not a problem for the Federal Government. It is a matter more appropriately handled by the business and the public health services of the local governments who inspect health conditions of commercial establishments, including facilities, equipment, and personnel.

In my home State of Nevada, we have over 20 major hotels currently using automated egg cracking processors. The processors are efficient, time-saving, labor-saving, economical devices. As in any business, the hotel industry is constantly looking for ways to reduce costs and avoid waste. The egg cracking processor can crack up to 900 eggs per minute. The hotel industry is extremely concerned and careful about the health of their customers. Nothing can be more devastating to the food service industry than a case of food poisoning. This equipment is safe and can only become unsafe if it is improperly maintained, which is the case with any equipment. Keeping it clean is the job of management.

In closing, let me say not only is this equipment safe, but I submit that the safety and health of the customer is so critical to the hotel and food industry in my State, that they would not use it if it were not. Further, it is not only safe, economical, labor-saving, but it allows the food service industry to bring to the customer what he or she wants most—a product made with fresh eggs.

I urge the adoption of this amendment.

Mr. THOMAS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from Georgia.

Mr. THOMAS of Georgia. Mr. Chairman, just for brevity's sake, I think I just finished reading in my remarks there from the EPIA the fact that cooked and processed eggs have absolutely nothing to do with this amendment, and that the committee's position on this would in no way affect cooked or processed eggs.

Mr. REID. I think that is debatable.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from California.

Mr. BADHAM. Mr. Chairman, the author of the amendment in committee, the distinguished gentleman from Georgia [Mr. THOMAS] would have you believe that the law as he proposes it to be really does not mean what the law really says. It means what the Department of Agriculture might say it means in a letter. But they have flip-flopped every few days on this, and the gentleman knows that.

I would like to correct the gentleman and thank him for yielding, that you do not have dirt or blood spots or cracks. A grade B or better egg cannot be sold in commerce unless it is free of all of those things. It cannot be sold into commerce if it does, so there is no salmonella because it is pasteurized.

Mr. REID. Reclaiming my time, I would also state, Mr. Chairman, I think if you read the letters as they were written, they talk about not processing the foods at the retail level, as I am concerned about, in a hotel or restaurant. I think it could be read that it only applies to that in a commercial venture such as processing eggs prior, and that they were meant to cover this in the amendment before the committee.

Mr. THOMAS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from Georgia.

Mr. THOMAS of Georgia. I simply would like to make this point here that I think we need to review. Certainly there are requirements for certain grades of eggs, and the requirement that they must meet in order to get that grade standard. But you must realize there is absolutely no guarantee that that can be carried out to 100 percent. Everyone works, of course, to the best of their ability to do so, and that is what this machine does, in my opinion. Its great danger is that it precludes what could be the last saving inspection, that organoleptic inspection by eye and sense of smell.

The CHAIRMAN. The time of the gentleman from Nevada [Mr. REID] has expired.

(On request of Mr. THOMAS of Georgia and by unanimous consent, Mr. REID was allowed to proceed for 3 additional minutes.)

Mr. THOMAS of Georgia. If the gentleman will continue to yield, my point is that this is what we must understand. Certainly everyone does everything they can to deliver a clean egg. But the normal sanitization process that is used does not result 100 percent, or even close to it in the destruction of salmonella bacteria that can be embodied deeply in the pores of the egg.

□ 1740

And that can occur even on an egg that appears to be very clean and very sanitary. But when you dump it into that large hopper, the centrifuge-type machine, without having inspected or separated it, then you expose the entire content of those eggs and all the eggs in the hopper to that salmonella bacterium. That is a real and prevalent thing.

Mr. REID. Reclaiming my time, I think the point made by the gentleman from Georgia amplifies the points that have been made in support of this bill. Namely, this is something that should be maintained by local governments, and I would also state that it appears quite clear that the Committee on Agriculture should have hearings on this matter. I do not think it should go forward on the basis it has been presented to this committee.

Mr. Chairman, I yield to the gentleman from California.

Mr. BADHAM. Mr. Chairman, I hope the gentleman from Georgia did not misspeak himself gravely when he said that if you have salmonella bacteria which are airborne, which can come to roost on an eggshell, if the eggshell is left out in the ambient air, as they are at some fast food restaurants for a long time, they cannot burrow into the shell; the fact is, if the liquid is pasteurized, cooked, or baked, no salmonella. The gentleman implied that there would be. I believe he is wrong on that point.

Mr. THOMAS of Georgia. Mr. Chairman, will the gentleman yield on that point?

Mr. REID. I yield to the gentleman from Georgia.

Mr. THOMAS of Georgia. I thank the gentleman for yielding.

Certainly that is the case, but my point is that if the salmonella bacteria is embedded in the porous surface of the egg and the egg is cracked without that final visual inspection, it is then mixed and it is not cooked for some reason, and there are certain recipes that do not require cooking till 140 degrees in a restaurant, then certainly the salmonella bacteria would not be destroyed. That is my very point.

Mr. REID. Mr. Chairman, I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, you know, a Supreme Court Justice once said that government is to be feared the most when its purposes are benevolent.

This case illustrates that maxim very well.

Pity the lot of the producer of class C eggs in America today; can't sell them commercially, he is relegated to selling them for the purpose of making egg powder.

Now if you are in the restaurant business, you always seek to build a better mousetrap to have people come to your restaurant. That is competition. To the extent that you have fresh eggs in your products to attract customers. If you are seeking to buy class A and class B eggs and crack them one by one, your labor goes out of sight. So what do you do? You get a machine that somebody has invented that permits the machine cracking of the eggs in the shell and utilization of it to give the product that people eat the flavor of fresh eggs as opposed to powdered eggs. If you are in the business of selling powdered eggs, you find that machines are beginning to take your business. You do not like losing your business. So what do you do? You come to this distinguished Member of the House representing his area, and you get an amendment offered, but you need a plausible reason as to why this should fly. So you erect a flag flying under protecting the public health by alleging the name of salmonella. Never mind the fact that the instructions on the machine say that you heat the product after mixing the egg in the shell to 140 degrees for 3½ minutes, which every biologist says kills the salmonella. Nobody is claiming here that anybody has ever consumed or contracted salmonella as a result of eating this food product. This flag of flying under the public health flag sounds pretty good, but it just won't wash. If we want to have progress in our culture, if we want to have our system evolve where somebody can build a better mousetrap to answer the need of a commercial situation, I think we should permit the producer of this machine to stay in business. There is no damage to the public health. Let competition work its way as to whether or not the restaurant owner is going to use a machine with eggs to put into his product or whether he wants to use powdered milk. I do not think we should be attempting to resolve that on the floor of the House.

I yield to the gentleman from Georgia.

Mr. THOMAS of Georgia. I thank the gentleman for yielding.

Certainly we all represent our own interests as best we can; but I do want to point this out, that if it was a matter of selling grade A eggs which are the eggs that the user, the maker of this machine, recommends, the egg producers in this country make more money from the sale of grade A eggs than they do from the sale of grade C eggs. It would be greatly to their advantage. And I must say, the one person who has introduced the economic factor really has been the manufacturer of the machine.

Mr. DANNEMEYER. I withdraw my time and conclude with this point: The producer of the class C eggs is the one that feels the competition from this

machine. This machine is being properly utilized, nobody is claiming otherwise that I am aware of. The seller of powdered eggs is feeling the loss of business, the threatened loss of business. Otherwise, we would not be discussing this. I think the seller of the machine ought to have a chance. There is no damage to the public health.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I really did not intend to get into this, but as the author of the original Egg Inspection Act I would like to point out a few things. Right after we passed the Wholesome Meat Act in 1967 we started looking at eggs and poultry.

What we found was not very appetizing. I will not even describe some of the nauseating conditions. They were breaking dirty eggs and cracked eggs into 5-gallon cans, letting them sit around where the temperature was improper. It was just really a bad situation. So we developed an Egg Inspection Act.

Now to start with, one should assume that every egg laid might have salmonella on the shell. You can assume that because it is transferred in the feed. The same thing with beef. It only takes a searing on the outside of a steak to take care of that problem. But if it is mixed into the eggs, it takes 140 to 143 degrees for 3 or 3½ minutes to pasteurize it.

What is involved here in the subject matter before us is not a health problem with salmonella. If they pasteurize the egg, that solved that danger.

When I go to the restaurant, if I buy scrambled eggs, I make them crack 2 grade A eggs and mix them right there. I do not buy scrambled eggs made from liquid eggs. But a lot of restaurants buy liquid eggs. They buy them in a 5-gallon can.

Now these big egg handlers like it the way it is because the whites bring more than the yolks and they sell whites to bakers. When you go to a restaurant, did you ever notice how yellow the scrambled eggs are sometimes? Some liquid eggs they purchase are mostly yolk. That is the reason. Big egg handlers like it this way. They do not like for people to buy whole eggs, run them through this machine, because that reduces the opportunity for handlers to sell liquid eggs that are mostly yolk and they cannot have the opportunity then to sell them all those yolks for the price of class B eggs.

So I think there is a lot to be said here about the amendment to strike the prohibition in the bill. That is why I think the Committee should look into this carefully before acting.

To start with, there is not a salmonella problem. But there is a wholesomeness problem.

The one thing I agree with, with the gentleman from Georgia, is I would like to see each one of them cracked separately so one could see whether or not there is a blood spot in any of the eggs or something like that. I like that idea. That is the reason why we originally proposed the language that is in the act. On the other hand, it is not because it cannot be pasteurized to keep it from having salmonellosis.

So I think that there is more involved here than what you can deal with just by eliminating the right to use this machine. The Committee should look at what the industry is doing now as well as whether or not this machine ought to be used, and people ought to know what the consequences are.

Mr. THOMAS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. Yes, I will yield to the gentleman from Georgia.

Mr. THOMAS of Georgia. I thank the gentleman for yielding.

I do not understand how the gentleman can make the statement that there is no danger from Salmonella poisoning in view of some of the recent real instances which have just occurred. One that the proponent of this amendment pointed out where 50 people became ill from salmonellosis from eating cooked eggs in a restaurant.

□ 1750

The incident of the processed cheese out in California was a tragic event of Salmonella poisoning.

Mr. SMITH of Iowa. Here is one way that can happen: The egg, if it were cooked, the Salmonella was destroyed. But if they had a plate there that had Salmonella on it or the cook had Salmonella on his or her hand and put the egg on the plate, then you can get salmonellosis from it.

Mr. THOMAS of Georgia. If the gentleman will yield again, would not the gentleman agree that when you go through a process where you mix the eggshell, which is a prime carrier of Salmonella bacteria, when you intentionally throw egg and all together in the same vat and crush it, you are certainly extending the chance.

Mr. SMITH of Iowa. If it was washed and sterilized, as it is supposed to be, the answer is "No."

Mr. THOMAS of Georgia. Well, the gentleman disagrees with the USDA and the FDA.

Mr. SMITH of Iowa. No, I do not disagree with them. I do not think they disagree with that.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.



Mr. BROWN of California. I appreciate the fact that he has had the experience that he has on this subject and makes the statement, which I think is quite correct, that there is no possibility of salmonella here. The statement just made by the gentleman from Georgia about salmonella in cheese in California happens to be true but it is utterly irrelevant. What happened in that particular plant was, they did not pasteurize.

Mr. SMITH of Iowa. They did not pasteurize it.

Mr. BROWN of California. And that, therefore, allowed salmonella to enter. That was milk, not eggs, anyway; so it is hardly relevant to this debate.

Mr. SMITH of Iowa. There is a difference between saying it is a health problem and talking of wholesomeness. We called the Meat Act passed in 1967 the Wholesome Meat Act because it involved wholesomeness. One can take meat out of a dead animal and cook it long enough and it will not hurt one to eat it, but I do not want to eat it. It's not a matter of just health, but also wholesomeness.

I really urge the Committee to look at the whole subject matter, look at what the egg processors and handlers are doing at the present time, in addition to what should be done about this machine.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. SMITH] has expired.

(On request of Mr. BADHAM and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 1 additional minute.)

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, I really do not want to see the gentleman from Georgia end up with egg on his face on this. The problem in the recent thing where 50 people were made sick, I stress, was not from the eggs, not from the liquid; it was from the hands of the workers.

Mr. THOMAS of Georgia. If the gentleman will yield, has that been documented?

Mr. BADHAM. If the gentleman will yield, that is the way it is, that the people were infected by the workers' hands, not by the eggs.

Mr. SMITH of Iowa. In virtually all kitchens there is salmonella. It can come from the meat, it can come from poultry or eggs, but if they do not keep their hands clean, if they do not wash the block or table off that they are using, if they do not wash and sterilize everything, the customer can get salmonellosis. But this is not a health problem here. There are a lot of other things involved. For that

reason I really urge the Committee to go back, take a look at what the egg handlers are doing at the present time, in addition to any problems with this machine, and determine what really needs to be done in the way of an amendment to this Egg Inspection Act.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree we want to get to a vote. But as a Member of the Committee on Agriculture who has tried to support the committee all the way through, I think we should understand that this was something that was added to the bill where at least some of us were not real knowledgeable about the full consequences. At least this gentleman did not know we would put a small businessman out of business if we passed this particular amendment.

It is my understanding, also, that you are required under this machine to use grade A or B eggs which have to, first of all, be pasteurized; is that correct?

Mr. THOMAS of Georgia. It is recommended that you use these, but you must remember that these requirements on the machine in a restaurant are not laws, they are not statutes, they are merely suggestions by the manufacturer.

Mr. BEDELL. Is there any reason in the world that the FDA could not, if they saw that there was any danger, require, if they were to use this for purposes other than cooking, that they had to use grade A or B eggs in this machine?

Mr. THOMAS of Georgia. It is my understanding that the FDA does not set the regulations. They are without regulations at this time. This is precisely my point, that we have allowed something to come up that has circumvented the very findings of the hearings held in 1970 to discuss every issue we have discussed right here, and we have allowed a machine now to come up through a loophole.

Mr. BEDELL. If I might say so, many of us are not real privy to what may have happened in hearings in 1970. This is 1985. That is 15 years ago.

The gentleman wants to do whatever is correct here, but I do think that before we go ahead and say we are going to legislate this small businessman out of business, that maybe we ought to be darn sure of what we are doing. I was not darn sure that that was going to be the effect of an amendment that was passed by a voice vote in our committee.

It would seem to me that if there is a problem that the FDA should be in a position to answer that problem without putting this guy out of business, that they ought to be able to say that if you are going to use the processed

product of this machine that you have to then pasteurize it if you are not going to cook it in an area that would kill salmonella.

Mr. THOMAS of Georgia. Will my good friend yield?

Mr. BEDELL. I yield to the gentleman from Georgia.

Mr. THOMAS of Georgia. I would simply say—and this is why I have been as serious and ardent in my endeavor to understand this issue as I have been—I have known full well the implications on this businessman, but I also know the dangers. And I must say that it should have been the responsibility of the manufacturer of this machine to look very closely and carefully at the regulations before the machine was perfected. Certainly I would not have perfected a machine that did something in a manner that went totally against regulations and laws that were in place. We are setting a double standard. We are requiring the USDA grading plants to go by one standard and allowing those standards to be totally circumvented through the use of this machine in another area.

Mr. BEDELL. I want to understand, what is it of the machine that is violating the law now? If it was violating the law now, you would not be able to sell it and there would not be that problem.

Mr. THOMAS of Georgia. No, you are wrong. This machine has been perfected and put on the market since this law was written in 1970. At that time the machine was not being sold in bakeries and hospitals and restaurants, and so there was no provision in there to provide for this. This is a matter of a simple loophole we are talking about. I really appreciate the indulgence of my friend, but let me make one last comment, and then I am going to sit down on this. When we come up here and we have one day what can be a very real tragedy as a result of this, the Members here, rather than talking about a businessman who has obviously sustained some lumps, are going to be talking about a loss of human life, and that is what this body better weigh very carefully.

Mr. BEDELL. I know we are taking too much time, but certainly this gentleman does not want to endanger human life. On the other hand, I believe we do need to know what we are doing when we move forward.

Mr. BROWN of California. If the gentleman will yield briefly, I wanted to speak to that point about the danger to human life.

This machine has been in use for roughly 5 years. There is about 1 million eggs a day being cracked with this machine. By an stretch of ordinary arithmetic, I calculate there are several billions of eggs that have been processed through this machine. There is

not yet one substantiated case of danger to human health, not one case of salmonella, not one problem, and yet the whole basis of the argument of the gentleman seems to have been that this is a threat to public health. If he has evidence that it is a threat to public health, that should be brought before the Committee and we can act accordingly.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California.

I oppose the amendment because it appears to make a mockery of the Egg Products Inspection Act. In my district an egg producer called to inform me that even if they wanted to use a machine such as the EggKing, or the Egg Master centrifuge separator, they are precluded from using one even though they have four USDA inspectors on duty, full-time inspecting the eggs that are cracked and processed at the plant.

This amendment if adopted would continue to prohibit the use of centrifuge separators in egg processing plants, but permit their continued use in such places as hotels, restaurants, and other food processing industries where hundreds, if not thousands of eggs are used each day with no Government inspection whatsoever.

In other words, if we adopt this amendment, we would continue to penalize those egg processors who have inspectors, and yet do nothing to ensure sanitary or safety standards in those businesses or industries that currently use these machines, but who are not subject to USDA egg inspections.

Mr. Chairman, I would suggest to this body that what is sauce for the goose, is sauce for the gander. If we are going to prohibit the use of these machines by egg processors, then we should not circumvent the Egg Products Inspection Act law by permitting their use by food processors or if the sanitary and safety record of the centrifuge egg separator is as good as the gentleman from California has stated today, then its use should be made available for egg processors as well as food processors and others who use large numbers of eggs.

I urge the defeat of this amendment and I yield back the balance of my time.

Mr. RINALDO. Mr. Chairman, I rise in opposition to the Badham amendment which would strike section 1801 amending the Egg Products Inspection Act. This is a major provision of the Farm bill, and it is extremely important that we followup on the work of our colleagues who passed the Egg Products Inspection Act in 1970. We are being asked to close a loophole in that act which has arisen as a result of a technology which has been adapted for use in an unanticipated way.

It is clear that eggs should not be broken by a centrifuge machine. The practice is unequivocally unsafe even under the best of circumstances.

In actual use, the centrifuge egg breaker permits you to dump the whole egg, shall and all, into a drum to be crushed and then separated. Mixing the shell with the egg liquid is a disaster waiting to happen. As

Congressman THOMAS pointed out in his recent "Dear Colleague," USDA and FDA have documented cases of centrifuge users dumping broken, leaking, low grade, and otherwise inedible eggs into the centrifuge for processing. In fact, one internal USDA document quotes one bakery manager as saying he knew of instances where he had dumped rodent droppings, rotten eggs, and miscellaneous filth into the machine by following instructions from the manufacturer to invert the trays of eggs intact.

In voting to prohibit the use of these unsafe practices we are not requiring additional regulatory resources from USDA, FDA or any other State or local agency. This provision is budget neutral. Restaurants and bakeries, etc. are currently routinely inspected by USDA, FDA, and State and local health departments. Should the provision prohibiting these egg breaking practices be enacted, violations would be detected easily and dealt with in the course of routine inspections. Food manufacturing establishments would simply be put on notice—use of the centrifuge for egg breaking is prohibited. There would be no need for additional manpower or money.

Finally, USDA is joined by the egg industry in opposition to this amendment. The egg industry spends approximately \$5 million per year to promote a wholesome image of their product. Egg producers have worked diligently to earn and preserve consumer confidence in their product. Egg producers oppose the use of centrifuges for egg breaking because producers are well aware of the health hazards associated with their use and feel that the continued use of these practices and the potential consequences constitute a threat to the wholesome image of the egg. This is a legitimate concern.

I urge you to consider USDA's position and the egg industry's concerns and vote to defeat Mr. BADHAM's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BADHAM].

The question was taken; and the chairman being in doubt, the committee divided, and there were—ayes 29, noes 20.

Mr. THOMAS of Georgia. Mr. Chairman, I demand a recorded vote. A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the CONGRESSIONAL RECORD?

Mr. FRANK. It was, Mr. Chairman, on September 24.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK: Page 509, after line 13, insert the following:

HONEY LOAN MAXIMUM

SEC. 1896. Notwithstanding any other provision of law, the Secretary of Agriculture may declare that, with respect to nonrecourse loans a person may receive for honey

under a program under the Agricultural Act of 1949 for a crop year, the outstanding principal balance of such loan shall not exceed \$250,000, and that any outstanding balance exceeding that amount shall be a recourse loan in nature. The Secretary shall make rules to carry out this section and such rules shall conform as nearly as practicable to the rules made to carry out section 405(b) of the Agricultural Act of 1949. The Secretary shall not make a declaration under this first sentence of this section if the Secretary determines that the application of this section upon such declaration would have an undue ill effect on the structure of the honey industry or on agricultural interests that depend on commercial bee colonies for pollination.

Mr. FRANK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK. Mr. Chairman, this is an amendment that was originally filed in the CONGRESSIONAL RECORD by the gentleman from North Dakota. He has decided not to offer it, but I decided to offer it, which is permitted under the rule.

I think the honey subsidy is one of the least useful expenditures of Federal funds. At a time when we are talking about far-reaching changes in the entire structure of our Government affecting the distribution of power between the President and Congress, to continue to spend money on the honey subsidy does not seem to me to be a very good idea.

□ 1800

I believe this amendment would be better than the present situation, but I am informed that my good friend, the gentleman from Massachusetts, the senior member on the Republican side of the Appropriations Committee, has an even better way to deal with this. At this point, I am going to yield back the balance of my time, because it is my understanding that the gentleman from Massachusetts has an amendment to the amendment.

AMENDMENT OFFERED BY MR. CONTE TO THE AMENDMENT OFFERED BY MR. FRANK

Mr. CONTE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE to the amendment offered by Mr. FRANK: At the end of the amendment offered by Mr. Frank, strike the " " and insert the following in lieu thereof: " Provided, That (1) Section 201 of the Agriculture Act of 1949, 7 U.S.C. 1446, is amended by striking in the first sentence the word "honey," and (2) Subsection (b) of such section is hereby repealed."

Mr. DE LA GARZA. Mr. Chairman, I reserve a point of order on the amendment.



I yield to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. I would say to the gentleman, in order to save time, can the gentleman make his point of order? I have another amendment in case the point of order is sustained.

Mr. DE LA GARZA. I wanted to allow the gentleman to offer it.

Mr. CONTE. That is all right. I have another amendment.

Mr. DE LA GARZA. Mr. Chairman, under the situation, I would not want to preclude the gentleman from offering his amendment.

Mr. Chairman, I withdraw my reservation; I will not make a point of order.

The CHAIRMAN. The gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

Mr. CONTE. Mr. Chairman, is the gentleman reserving his point of order?

Mr. DE LA GARZA. No; I am not making a point of order on the gentleman's amendment.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Massachusetts.

Mr. FRANK. I believe the time for a point of order has now passed, the gentleman having withdrawn his reservation. So no point of order will lie.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. DE LA GARZA. I hope I do not make the gentleman nervous. No, I did not object to the gentleman proposing his amendment. I think it is a bad amendment, and I will argue in due time. I was just here stretching because I was tired of sitting.

Mr. CONTE. I will get you a Coca-Cola box next time. I thought you were sitting.

Mr. Chairman, a tiny, little bee lit on my shoulder on my way back from the floor last week when my amendment to strike the honey program went down on a point of order. This little bee buzzed in my ear and said "Don't give up SILVO—you stick right in there because the good name of bees is being besmirched all over this great country—especially in North Dakota where one honey producer got \$1 million in support payments. The little bee told me that Congressman FRANK would try to stop this supersweet deal by placing a limit of \$250,000 on the amount of payments to the big bees in the honeycomb business. There is no limit today. My amendment goes Mr. FRANK one better and does away with the entire program. This little bee had all the facts. He told me that the nonrecourse loan rate for honey is at over 60 cents while the price we pay for imported honey is at 40 cents, so we are importing more and more honey.

The GAO has looked at this program and they say we are getting stung. We are spending nearly \$100 million to store 100 million pounds of honey each year in order to benefit only 2,500 commercial producers. At the same time we are importing 100 million pounds put on grocery shelves. You'd have to have bees in your bonnet not to see how far out of line this situation is.

I think everyone gets stung once or twice in their life, but this country is getting stung over and over again. Now the bees are getting in the act. Why just last week in Hollywood, FL, when the bees found out about how the Americans are being robbed by this program they got out of their keeper's truck and refused to pay the toll on the Florida turnpike. I tell you these little fellers are in revolt over the way we raise the price on their diligently created product. Help me restore some dignity to the little bee and let's swat this program once and for all.

Since 1980 our imports have grown from 50 million pounds to 130 million pounds—that's a 250-percent increase. In that same time the CCC acquisition costs have risen from \$9 million a year to over \$90 million—that is a 1,000-percent increase.

You would think that the Commodity Credit Corporation was being run by a family of black bears based on the millions of pounds it is buying from our U.S. honey producers.

Keeping this program flies in the face of logic. We will have spent over \$250 million in the last 4 years in Government payments while putting more and more imported honey on the shelves of our grocery stores. You can hardly find any domestic honey for personal consumption. Encouraged by the stinging facts from my little bee friend, I decided to come right back over here to fight this battle again. Just as the Africanized bee is swarming its way up into our country so is the honey oozing up from our Southern neighbors. Mr. Chairman: That poor little bee could not come back over here with me today because he knew he would be in mortal danger in the company of the honey-snatchers in this body who support this program.

But as he flew away, he once again entreated me to save his little pollen-covered pride by allowing the honey that he and his fellow bees produce in good old American hives to once again find its way to our grocery stores. With all that is riding on the flight of this little bee, the least we can do is support my amendment and put an end to this blot on the dignity of U.S. bees.

Mr. FRANK. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there are some elements of levity that crept into my colleague's performance, and I often feel

when I have helped my colleague from Massachusetts get the floor that I should be entitled to an agent's fee.

There is a very serious core here. We are talking about a proliferation of subsidies that get bigger and the inconsistency at some point has to be clear to people to increase the amount we spend subsidizing bees. Now, I know I have been told by several of my colleagues that there is a national security aspect to agriculture. We were told that the Downey-Gradison amendment undermined national security, presumably because we would not have enough sugar to put in the Russians' gas tanks when they came over here.

I was told by my friend from Oklahoma that we would be endangering national security by reducing target prices. Maybe there is somewhere a division of killer bees that is being trained to do counterinsurgency work for us. I can tell you that is the only plausible rationale I would accept for this program, and I do not think it is empirically validated in this case.

We cannot continue to have Members vie with each other to declaim how much we have got to reduce the budget deficit and change Government structure to do that, and continue to proliferate this kind of program. We have been asked, the gentleman from Massachusetts and I, why we get involved in these issues. First, we both have agricultural areas in our parts of Massachusetts. We thought actually that we were more involved in the last one, because we misunderstood. Some of us thought the egg-breaker ban was an attempt to ban leg breakers, which would have had more of an employment impact in some parts of our district.

But in this particular case, we are talking about a proliferation of Federal subsidies for issue after issue in the agricultural area, and this is how you get budget deficits. Budget deficits do not exist in general; they exist in particular. The gentleman from Massachusetts has offered a very sensible way to begin to reduce by saving money in an area of unnecessary subsidy. I hope his amendment to my amendment is adopted.

□ 1810

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is a very serious matter. We have an industry in the United States that we call the bee industry or the honey industry. Like many other areas of agriculture, it had a support program to assist it as a sort of a safety net, but in about 1980, the roof fell in and imports started coming in from many other countries in the world at a lower price, and as well-in-

tioned as this program was to offer a safety net, this lower priced honey then undermines the price at which we had stabilized or supported the honey production.

It has been mentioned, and I would attest to the fact, that the bee is a very important factor in the pollination process. It provides 18 billion, 19 billion, or 20 billion dollars' worth of effort in the pollination in that it enhances fruit and vegetable production and in fact reduces the cost. But we have now from the People's Republic of China—Communist China—from Argentina, from Canada, and from many other areas of the world honey coming in at lower prices. But yet it has not affected the price to the consumer except when you just buy the honey. We have already heard how much honey is used in confectionery or in baked goods or in candy, and it has not lowered the price that the consumer pays for the items that have the honey. But yet they are buying it from other countries at a much lower price.

It all comes down to this, my colleagues: American jobs. Without a honey industry, the jobs that are lost, that are transferred to another country, that is what it is going to be. That is the name of the game, jobs, jobs, jobs. Do we want them here with some involvement of Government? I think it is legitimate. Maybe we need to restructure. Maybe we need to lower. Maybe we need to wait for a better day. But to strike out entirely, we are transferring jobs out of this country.

Yes, there is a national security interest and yes, there is a need to protect the taxpayer, because one without a job, everyone knows the unemployment, the food stamps, the aid to dependent children, we are just adding to it.

So this amendment to the amendment, and I say this respectfully, is shortsighted. It may have some degree of emotion.

Yes, I have read the GAO report. It is not as factual as it could be. It deals in a vacuum. I found arguments that I could challenge in some areas of the GAO report.

But the basic fact again is, do you want the honey produced in this country at a Government-subsidized level, or do you want to knock it out and bring it all from abroad? That is the bottom line. That is the bottom line—jobs in another country, items coming in or out of business. That is the bottom line.

I attest to you that all other arguments really would not address the issue. Yes, I will cede to the issue of cost to the Government. I do not challenge that. The figures are there and no one can deny that. But why we got there, why was the intent of the program thwarted? Because of the imports coming in.

I would hope that every time someone offers an amendment, every time someone offers an amendment that attempts to erase an industry or a segment of an industry, we should provide that that amendment also incorporates how we protect ourselves from what is going to come from the outside. It should be a two-tiered amendment: What is the protection we are going to afford to the few survivors?

Mr. MORRISON of Washington. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to stand in support of the chairman of our Agriculture Committee on behalf of the honey program.

Admittedly this program is in a state of transition. While I could support the Frank amendment as before us which basically provides a cap on the payments to any individual honey producer, I cannot support the amendment to strike entirely this honey program at this time.

The Chairman I think has spoken eloquently of the importance of pollination with a total of \$19 billion in crop value. I would just say at this difficult time for agriculture all across the country let us not pull this necessary support mechanism out for the fruit, nut, vegetable, forage, and oil seed crop industries.

I would remind this House that last year the Congress addressed the honey problem, and I believe we have to give that proper time to work. We passed the Honey Research Promotion and Consumer Information Act of 1984. This promises to lead to improved marketing and the effort by the industry in an industry-support program of promotion to expand U.S. per capita consumption.

We find this is a market that has been neglected through the years, and the beekeepers of America want to contribute to a fund. We are just beginning to see this get organized. I think we should allow it to work.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I just ask is my friend, the gentleman from Washington, a supporter of the deficit reduction, the balance the budget procedure that is being discussed in the other body right now?

Mr. MORRISON of Washington. Mr. Chairman, yes, I certainly am. But let us not take on this particular industry and undercut them at this time in this particular effort.

So let us give this program that we passed, and I am sure that the gentleman from Massachusetts voted for it last year, let us not undercut that at this particular point.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. MORRISON of Washington. I yield to my Chairman, the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding.

I again repeat that our legislation meets the budget requirements. We have met what has been imposed by the budget. In what we submitted to the budget we did a balancing act. So this legislation is incorporated into what we recommended to the Budget Committee. It is not an add-on and we have been responsible and we have made our cuts.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, the chairman of the Agriculture Committee is correct. He is responsible. He is responsible with his colleagues for a great big part of the deficit. This is the problem I have when I ask the gentleman from Washington if the gentleman supported this budget reduction.

The gentleman from Texas says, "See, this is within the budget." But during 1-minutes today, all my friends on the Republican side were saying that budget is no good and we have to have drastic reductions down from it and, not only that, we have to have the new provision with impoundments and sequestrations, et cetera. We cannot have it both ways. We cannot reduce the budget deficit without voting against the program.

Mr. MORRISON of Washington. Mr. Chairman, if I may reclaim my time, I would say to the gentleman that if all agencies involved in this Government had been as responsible as the approach taken by the Agriculture Committee, we would not have the problems that we have to address in the deficit reduction program.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield to me?

Mr. MORRISON of Washington. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, let me just briefly say it is a pleasure once again to see the gentleman from Massachusetts back down providing leadership on agricultural issues, this time with a friend.

Mr. FRANK. Mr. Chairman, if the gentleman will yield, somebody has to.

Mr. DORGAN of North Dakota. Mr. Chairman, let me just say that the amendment that is being offered, the base amendment was noticed in the RECORD by myself, and under this rule it can be offered by another Member and then amended which is the process we are in today.



I noticed the amendment because I would like to see a change in the Honey Support Program. I do not support, however, the amendment to the amendment that I put in the RECORD. I do not think that with the little thought that has been given here that we ought to abolish that program.

The reason I did not offer it, incidentally, after I noticed it in the RECORD is that I decided that probably a better approach to limiting the loans, which I intended to do in the amendment, to \$250,000 was probably to evaluate the structure of the Honey Program in the Agriculture Committee rather than have the Agriculture Secretary down at USDA do that. So I decided not to offer the amendment to this section hoping and expecting that the Agriculture Committee will do that in the coming couple of years.

But I want to make it clear that I do not support this amendment that has been offered today. I also want to be clear that I do not think the kind of loans that are going out at the levels they are going out ought to continue either. I would like to see something done about that.

Mr. COELHO. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I thank the gentleman from North Dakota for his comments, and I will yield to the gentleman from California.

□ 1820

Mr. COELHO. Mr. Chairman, I appreciate the gentleman yielding.

I just wanted to comment on the statement of the gentleman from North Dakota, that as chairman of the subcommittee that has jurisdiction on this, what we have noticed is that over the last 3 years the tremendous number of imports that have come in, at the same time that the imports have increased dramatically, and let me give some figures here.

The CHAIRMAN pro tempore (Mr. COLEMAN of Texas). The time of the gentleman from Washington [Mr. MORRISON] has expired.

(At the request of Mr. COELHO, and by unanimous consent, Mr. MORRISON of Washington was allowed to proceed for 3 additional minutes.)

Mr. MORRISON of Washington. Mr. Chairman, I yield to the gentleman from California.

Mr. COELHO. Mr. Chairman, I appreciate the gentleman yielding.

In 1980, we were importing in 49 million pounds of honey. Today we are importing in 109 million pounds of honey and it has caused the increase in the cost of the program.

We talk about exporting jobs and we talk about trade being a major issue. This is a program where you can point right to it and say that trade is killing us on this one.

I think what we need to do, we need to look at the program and I am committed to the gentleman from North Dakota that we will get into the Honey Program. We will hold some hearings. We will get in and find out what is actually going on. We will make the necessary modifications that need to be made; but let us not punish the people here in the United States for what the people in other nations are doing to this program.

Second, let us also be understanding of the fact that—I know the gentleman from Massachusetts knows about the birds and the bees, and if the gentleman really understands the process of the birds and the bees, we do not really want to eliminate the bees in this country from doing the job that they need to do to keep our industries alive that are dependent upon bees. I know the gentleman from Massachusetts would not support eliminating all the bees in this country.

Mr. Chairman, I appreciate very much the gentleman yielding.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to my chairman.

Mr. DE LA GARZA. Mr. Chairman, I just appreciate the gentleman yielding.

I am standing here, and I must say that I do not know that we can grasp what this amendment can do to the fruit and vegetable industry throughout the United States. It is not only the honey producers, but the fruit and vegetable industry.

There is timber, as my colleague behind me, the gentleman from Michigan, says.

It is something very serious. It is not anything that we should pass lightly. We are dealing with jobs, American jobs, with the fruit and vegetable industry, with the timber industry, with an industry that has a stake itself in this up until a few years ago and I think that in the national interest we owe it to ourselves to turn this amendment down.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman.

The gentleman from North Dakota is a little unhappy that people not in agricultural districts primarily get involved in these programs. One of the reasons we do is this. This is what the gentleman gives us. My friend, the gentleman from Texas, is now describing a program that is of relatively recent duration as the only thing standing between us and a renewal of the Great Depression. We start off subsidizing bees and what do we get into but fruits, vegetables, and timber.

I am grateful that national security was not invoked, but everything else has been.

My other friend, the gentleman from California, wanted to talk about the birds and the bees and, of course, last week we had the gentleman from California over here giving us very graphic descriptions about AIDS. What it is that is motivating our California comrades to get on this sex kick, I am not sure, but it does not have a great deal to do with the program before us.

The CHAIRMAN. The time of the gentleman from Washington [Mr. MORRISON] has again expired.

(At the request of Mr. DORGAN of North Dakota, and by unanimous consent, Mr. MORRISON of Washington was allowed to proceed for 1 additional minute.)

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman.

I just want to point out that the gentleman does a service by coming to the floor to discuss agriculture. I did not mean to suggest the gentleman should not be here. It is the gentleman's extensive background in agriculture that I was commenting on.

I think that we need to discuss where we go with this honey program. For example, we have a \$1 million loan payment in my State. That should not happen; but that ought not to be an excuse for us to say today, this minute, let us dump the whole program. I do not think that is making public policy the right way and that is the only thing I was trying to say.

Mr. MORRISON of Washington. Mr. Chairman, I will reclaim my time only to say that we have in action taken last year helped direct this industry to move I think as this Congress would ask, to be self-supporting, promote increased per capita consumption of your products, and if not, obviously we will make decisions in the future to modify this program.

Mr. DASCHLE. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I am only going to take a couple moments to say once again, to reiterate the fact that the problem that we have in honey today is not the program itself, but the very trouble that we have not only with honey, but with so many other subsidized agricultural products. There is a flood of imported products coming into the United States that alone is displacing what otherwise would clearly be a sufficient supply necessary to meet the needs of our domestic economy; so I think that is really the issue.

How do we deal with this flood of subsidized imports? How do we deal effectively with coming about with a program that will insure fair competition among honey producers? That is why I think once we deal with that issue, we can deal more effectively with the honey program and why this amendment would be premature at this time.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Massachusetts [Mr. CONTE] is recognized for 5 minutes.

There was no objection.

Mr. CONTE. Mr. Chairman, I hear from the gentleman and I hear from my good friend, the gentleman from Texas, and all the others and my good friend, the gentleman from California, that imports are devastating the honey producers, here in the United States.

Now there is a trade bill coming out of the Ways and Means Committee, is that not the place to handle the import problem, or do we go off and pay a guy up in North Dakota \$1 million for support prices for honey? Is that conscionable, I ask you, is \$257 million for support prices for honey in 4 years conscionable?

As my good friend, the gentleman from Massachusetts knows, we are having trouble with the imports of shoes. Why do we not amend this bill and set up some warehouses and store billions and billions of pairs of shoes? What does the gentleman think about that? Will the gentleman join me in that?

Mr. FRANK. Mr. Chairman, will the gentleman yield to me?

Mr. CONTE. Yes; I yield.

Mr. FRANK. Well, Mr. Chairman, it would have a certain advantage over some of these other commodities in that the spoilage rate would presumably be less and I think it would have certain advantage.

I appreciate the gentleman's argument, because there is no equivalence here. We do not for other commodities do this.

I do have to comment to my friend, the gentleman from North Dakota. He said that he agrees this program has worked and we ought to deal with it, but not when the House is voting on it and probably not what the committee did. The gentleman is all in favor of contemplating it, we ought to say, but he is not in favor of taking any action with regard to it, because he apparently finds the floor of the House or the committee inappropriate.

The gentleman from South Dakota says, "Yes, we have to work on this when you have reported out the bill." We are now on the floor of the House and we are going to get a lot of conver-

sation and a lot more hundreds of millions of dollars.

I thank the gentleman from Massachusetts.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Yes; I am glad to yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, we are getting into a very sticky situation here.

Mr. CONTE. We sure are.

Mr. DASCHLE. There just is not a relationship between shoes and honey and I think the gentleman has to make sure that the House understands the difference.

Mr. CONTE. I am quite sure they do, because before this program they had another bee program, which I finally killed. It took me about 10 years to kill it. That program was paying beekeepers for dead bees. They never had one autopsy on any of those bees to see whether they died of a heart attack or arthritis.

Everybody knew that they were paying these same beekeepers millions of dollars because of dead bees. I finally killed the program and now we have this program to contend with, which is worse than the other program, because now they pay them for live bees.

This is ridiculous. Let us bring a little sanity into the honey industry.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Yes; I yield to my friend, the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding.

I think we ought to get a vote on this so Members can vote to continue to subsidize beekeepers and then show us how much they are for a balanced budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CONTE] to the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 20; noes 21.

#### RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 340, noes 65, not voting 29, as follows:

[Roll No. 340]

AYES—340

Anderson  
Andrews  
Annunzio  
Applegate  
Archer

Armey  
Aspin  
Atkins  
AuCoin  
Badham

Barnard  
Bartlett  
Barton  
Bateman  
Bates

Bellenson  
Bennett  
Bentley  
Bereuter  
Bevill  
Biaggi  
Billakis  
Billey  
Boehlert  
Boland  
Bonker  
Borski  
Bosco  
Boucher  
Boulter  
Breaux  
Brooks  
Broomfield  
Brown (CO)  
Broyhill  
Bryant  
Burton (CA)  
Burton (IN)  
Bustamante  
Byron  
Callahan  
Campbell  
Carney  
Carper  
Chandler  
Chapman  
Chappell  
Cheney  
Clay  
Clinger  
Coats  
Cobey  
Coble  
Coleman (MO)  
Coleman (TX)  
Collins  
Combest  
Conte  
Conyers  
Cooper  
Coughlin  
Courtner  
Coyne  
Crane  
Crockett  
Daniel  
Dannemeyer  
Darden  
Daub  
DeLay  
Dellums  
Derrick  
DeWine  
Dickinson  
Dicks  
DiGuardi  
Dixon  
Donnelly  
Dorgan (ND)  
Dornan (CA)  
Dowdy  
Downey  
Dreier  
Durbin  
Dwyer  
Dymally  
Dyson  
Early  
Eckart (OH)  
Eckert (NY)  
Edwards (CA)  
Edwards (OK)  
Emerson  
Erdreich  
Fascell  
Fawell  
Feighan  
Fiedler  
Fields  
Fish  
Flippo  
Florio  
Foglietta  
Foley  
Ford (MI)  
Ford (TN)  
Fowler  
Frank  
Franklin  
Frenzel  
Frost

Fuqua  
Gallo  
Garcia  
Gejdenson  
Gekas  
Gibbons  
Gilman  
Gingrich  
Glickman  
Goodling  
Gordon  
Gradison  
Gray (IL)  
Gray (PA)  
Gregg  
Grotberg  
Guarini  
Gunderson  
Hall (OH)  
Hall, Ralph  
Hamilton  
Hansen  
Hartnett  
Hawkins  
Hayes  
Hefner  
Heftel  
Hendon  
Henry  
Hertel  
Hiler  
Hillis  
Holt  
Hopkins  
Horton  
Howard  
Hoyer  
Hubbard  
Hughes  
Hunter  
Hutto  
Hyde  
Ireland  
Jacobs  
Jeffords  
Jenkins  
Johnson  
Jones (NC)  
Jones (OK)  
Kanjorski  
Kaptur  
Kasich  
Kastenmeier  
Kennelly  
Kildee  
Kindness  
Klecza  
Kolbe  
Kolter  
Kramer  
Lagomarsino  
Lantos  
Leach (IA)  
Lehman (CA)  
Lehman (FL)  
Lent  
Levin (MI)  
Levine (CA)  
Lewis (FL)  
Lipinski  
Livingston  
Lloyd  
Lott  
Lowery (CA)  
Lowry (WA)  
Luken  
Lungren  
Mack  
MacKay  
Madigan  
Manton  
Markey  
Martin (IL)  
Martinez  
Mavroules  
Mazzoli  
McCain  
McCloskey  
McCollum  
McDade  
McDewen  
McGrath  
McHugh  
McKernan  
McKinney  
McMillan

Meyers  
Michel  
Mikulski  
Miller (CA)  
Miller (OH)  
Miller (WA)  
Mineta  
Molinaro  
Mollohan  
Monson  
Montgomery  
Moody  
Moore  
Moorhead  
Morrison (CT)  
Morrison (WA)  
Murphy  
Myers  
Natcher  
Neal  
Nelson  
Nichols  
Nielsen  
Nowak  
O'Brien  
Oaker  
Oberstar  
Obey  
Olin  
Ortiz  
Owens  
Oxley  
Packard  
Panetta  
Parris  
Pease  
Penny  
Petri  
Porter  
Rahall  
Rangel  
Ray  
Regula  
Reid  
Richardson  
Ridge  
Ritter  
Roberts  
Rodino  
Roe  
Roemer  
Rogers  
Roukema  
Rowland (CT)  
Roybal  
Rudd  
Russo  
Sabo  
Savage  
Saxton  
Schaefer  
Scheuer  
Schneider  
Schroeder  
Schuette  
Schulze  
Seiberling  
Sensenbrenner  
Shaw  
Shelby  
Shumway  
Shuster  
Sikorski  
Siljander  
Sisisky  
Slattery  
Slaughter  
Smith (FL)  
Smith (NE)  
Smith (NJ)  
Smith, Denny  
(OR)  
Smith, Robert  
(NH)  
Smith, Robert  
(OR)  
Snowe  
Snyder  
Solarez  
Solomon  
Spratt  
St Germain  
Stark  
Stenholm  
Strang  
Stratton



Studds  
Stump  
Sundquist  
Sweeney  
Swift  
Swindall  
Synar  
Tauke  
Tausin  
Taylor  
Thomas (CA)  
Torres  
Torricelli  
Traficant

Traxler  
Udall  
Vander Jagt  
Vento  
Visclosky  
Volkmer  
Walgren  
Walker  
Watkins  
Weiss  
Wheat  
Whitehurst  
Whittaker  
Williams

Wirth  
Wise  
Wolf  
Wolpe  
Wortley  
Wyden  
Wyllie  
Yates  
Yatron  
Young (AK)  
Young (FL)  
Zschau

## NOES—65

Akaka  
Alexander  
Anthony  
Bedell  
Boggs  
Boner (TN)  
Bonior (MI)  
Boxer  
Brown (CA)  
Bruce  
Chapple  
Coelho  
Craig  
Daschle  
Davis  
de la Garza  
Dingell  
Duncan  
English  
Evans (IA)  
Evans (IL)  
Gaydos

Gephardt  
Gonzalez  
Hammerschmidt  
Hatcher  
Huckaby  
Jones (TN)  
Leath (TX)  
Leland  
Lightfoot  
Long  
Lujan  
Marlenee  
Matsul  
McCurdy  
Murtha  
Pashayan  
Pepper  
Perkins  
Pickle  
Price  
Quillen  
Robinson

Rose  
Roth  
Rowland (GA)  
Skeen  
Skelton  
Smith (IA)  
Spence  
Staggers  
Stallings  
Stangeland  
Tallon  
Thomas (GA)  
Valentine  
Vucanovich  
Waxman  
Weaver  
Weber  
Whitley  
Whitten  
Wilson  
Wright

## NOT VOTING—29

Ackerman  
Addabbo  
Barnes  
Berman  
Carr  
Edgar  
Fazio  
Green  
Kemp  
Kostmayer

LaFalce  
Latta  
Lewis (CA)  
Loeffler  
Lundine  
Martin (NY)  
McCandless  
Mica  
Mitchell  
Moakley

Mrazek  
Pursell  
Rinaldo  
Rostenkowski  
Schumer  
Sharp  
Stokes  
Towns  
Young (MO)

## □ 1840

Mr. LELAND and Mr. CRAIG changed their votes from "aye" to "no."

Messrs. NICHOLS, JONES of Oklahoma, HEFNER, CRAIG, STRANG, SABO, BUSTAMANTE, ORTIZ, RICHARDSON, HERTEL of Michigan, BREAU, TRAXLER, and SCHEUER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. TRAXLER. Mr. Chairman, on October 3, the House voted in an amendment to H.R. 2100, the Food Security Act, offered by Mr. GLICKMAN and Mr. WOLFE. The amendment (roll-call No. 337), struck the exemption to the "sodbuster" provisions, and requires farmers who plowed highly erodible land between 1981 and 1985 to have until 1995 to apply conservation plans to continue to be eligible for farm programs. I voted against this amendment in error, and I would like the RECORD to reflect that I had intended to support this amendment.

Mr. FAUNTROY. Mr. Chairman, I rise in support of title XV of the Food Security Act of 1985, which would amend both the Food Stamp Act of 1977 and the provisions

of the Agriculture and Consumer Protection Act of 1973 relating to the Commodity Supplemental Food Program. These amendments are deserving of our support. Title XV reauthorizes a very important program, one that touches on our responsibility to see that all Americans have access to a well-balanced diet. The Food Stamp Program is vital in that it ensures that the entire Nation has access to food security.

Moreover, I am particularly pleased that under title XV of this act provisions would be made for those individuals in our society who are homeless to have access to the benefits of this program.

More specifically, my support comes from the benefits that the residents of the District of Columbia have received from this program. As of February of this year, 73,561 persons have benefitted from the Food Stamp Program in Washington, DC. This figure represents 29,773 families. Of these persons, 36,976 were children. These figures represent 12,888 families that have other forms of public assistance aid, and 16,885 families who receive no other form of public assistance. The average benefit per person per month in the District is \$105.62. This assistance brings the incomes of thousands of individuals to the poverty level.

Mr. Chairman, I would urge my colleagues to support title XV and refrain from any amendments that would reduce this vital program.

Mr. DE LA GARZA. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. BONIOR of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2100), to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes, had come to no resolution thereon.

## □ 1850

## GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on today's consideration of H.R. 2100.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Reserving the right to object, I do so in order to ask the chairman of the committee whether or not, since we are rising this evening, whether or not it is the plan to go late

enough to finish this bill tomorrow. I know a number of Members who come from agricultural areas who think it is time to get this bill done.

My question to the chairman is whether or not we are planning to go until we finish this bill tomorrow evening.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, I would hope so, but as the gentleman knows, I do not have control of the time as such. But I would expect that we could finish tomorrow.

Mr. WALKER. And it would be the gentleman's hope we could go as late as it takes tomorrow evening to finish the bill?

The SPEAKER. The Chair will state that with the agreement of some of the Republican Members and some Democratic Members the Chair expects the Committee to rise by 6 o'clock tomorrow night if they have not completed their bill.

Mr. WALKER. So the potential is that we would not finish the farm bill tomorrow, too; is that correct?

The SPEAKER. I could not answer that.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MADIGAN. Reserving the right to object, Mr. Speaker, I do so only for the purpose of asking the gentleman from Texas if it is his understanding that we still have the suspension to vote on tonight.

Mr. DE LA GARZA. If the gentleman would yield, the gentleman is correct.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MILITARY MEDICAL  
MALPRACTICE

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the pending business is the question of suspending the rules and passing the bill, H.R. 3174, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Kansas [Mr. GLICKMAN] that the House suspend the rules and pass the bill, H.R. 3174, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 317, nays 90, not voting 27, as follows:

## (Roll No. 341)

## YEAS—317

Akaka  
Alexander  
Anderson  
Andrews  
Annunzio  
Anthony  
Applegate  
Armed  
Aspin  
AuCoin  
Barnard  
Bateman  
Bates  
Bedell  
Bellenson  
Bennett  
Bevill  
Biaggi  
Boehert  
Boggs  
Boland  
Boner (TN)  
Bonior (MI)  
Bonker  
Borski  
Bosco  
Boucher  
Boulter  
Boxer  
Breaux  
Broomfield  
Brown (CA)  
Brown (CO)  
Broyhill  
Bruce  
Bryant  
Burton (CA)  
Burton (IN)  
Bustamante  
Chandler  
Chapman  
Chappell  
Chapple  
Clay  
Clinger  
Coble  
Coelho  
Coleman (MO)  
Coleman (TX)  
Collins  
Conte  
Conyers  
Cooper  
Coughlin  
Courtner  
Coyne  
Crockett  
Daschle  
Davis  
de la Garza  
Dellums  
Derrick  
DeWine  
Dicks  
Dingell  
DioGuardi  
Dixon  
Donnelly  
Dorgan (ND)  
Dornan (CA)  
Dowdy  
Downey  
Dreier  
Durbin  
Dwyer  
Dymally  
Early  
Eckart (OH)  
Edwards (CA)  
Emerson  
English  
Erdreich  
Evans (IA)  
Evans (IL)  
Fascell  
Fawell  
Feighan  
Fiedler  
Fish  
Flippo  
Florio  
Foglietta  
Foley

Ford (MI)  
Ford (TN)  
Fowler  
Frank  
Franklin  
Frenzel  
Frost  
Fuqua  
Gallo  
Garcia  
Gaydos  
Gejdenson  
Gephardt  
Gibbons  
Gilman  
Gingrich  
Glickman  
Gonzalez  
Gordon  
Gradison  
Gray (IL)  
Gray (PA)  
Guarini  
Hall (OH)  
Hall, Ralph  
Hamilton  
Hatcher  
Hawkins  
Hayes  
Hefner  
Heftel  
Hendon  
Henry  
Hertel  
Hopkins  
Horton  
Howard  
Hoyer  
Huckaby  
Hughes  
Hyde  
Jacobs  
Jeffords  
Johnson  
Jones (NC)  
Jones (OK)  
Jones (TN)  
Kanjorski  
Kaptur  
Kasich  
Kastenmeier  
Kennelly  
Kildee  
Kindness  
Kleczka  
Kolbe  
Kolter  
Kramer  
Lagomarsino  
Lantos  
Leach (IA)  
Lehman (CA)  
Lehman (FL)  
Leland  
Lent  
Levin (MI)  
Levine (CA)  
Lewis (FL)  
Lightfoot  
Lipinski  
Livingston  
Lloyd  
Long  
Lott  
Lowery (CA)  
Lowry (WA)  
Luken  
Lungren  
MacKay  
Manton  
Markey  
Martin (IL)  
Martin (NY)  
Martinez  
Matsui  
Mavroules  
Mazzoli  
McCain  
McCloskey  
McCollum  
McCurdy  
McDade  
McEwen

McGrath  
McHugh  
McKernan  
McKinney  
Meyers  
Mikulski  
Miller (CA)  
Miller (OH)  
Miller (WA)  
Mineta  
Mitchell  
Molinari  
Mollohan  
Moody  
Moore  
Moorhead  
Morrison (CT)  
Morrison (WA)  
Murphy  
Natcher  
Neal  
Nelson  
Nowak  
O'Brien  
Oakar  
Oberstar  
Obey  
Ortiz  
Owens  
Oxley  
Panetta  
Parris  
Pashayan  
Pease  
Penny  
Pepper  
Perkins  
Petri  
Price  
Quillen  
Rahall  
Rangel  
Ray  
Regula  
Reid  
Richardson  
Ridge  
Robinson  
Rodino  
Roe  
Roemer  
Rogers  
Rose  
Roukema  
Rowland (CT)  
Roybal  
Sabo  
Savage  
Saxton  
Scheuer  
Schneider  
Schroeder  
Schuette  
Schulze  
Seiberling  
Sensenbrenner  
Shaw  
Shelby  
Shuster  
Sikorski  
Siskisky  
Skeen  
Skeltton  
Slattery  
Slaughter  
Smith (FL)  
Smith (IA)  
Smith (NE)  
Smith (NJ)  
Smith, Robert  
(NH)  
Snowe  
Solarz  
Spratt  
St Germain  
Staggers  
Stallings  
Stark  
Studds  
Swift  
Swindall  
Synar

Tallon  
Tauke  
Tausin  
Thomas (CA)  
Torres  
Torricelli  
Towns  
Traficant  
Traxler  
Udall  
Valentine  
Vento  
Visclosky

Volkmer  
Vucanovich  
Walgren  
Walker  
Watkins  
Waxman  
Weaver  
Weber  
Weiss  
Wheat  
Whitehurst  
Whitley  
Whitten

Williams  
Wirth  
Wise  
Wolf  
Wolpe  
Wright  
Wyden  
Wyllie  
Yates  
Yatron  
Young (AK)  
Young (FL)  
Zschau

## NAYS—90

Archer  
Badham  
Bartlett  
Barton  
Bentley  
Bereuter  
Billakis  
Bliley  
Brooks  
Byron  
Callahan  
Campbell  
Carney  
Carper  
Cheney  
Coats  
Cobey  
Combest  
Craig  
Crane  
Daniel  
Dannemeyer  
Darden  
Daub  
DeLay  
Dickinson  
Duncan  
Dyson  
Eckert (NY)  
Edwards (OK)  
Fields

Gekas  
Goodling  
Gregg  
Groberg  
Gunderson  
Hammerschmidt  
Hansen  
Hartnett  
Hiler  
Hillis  
Holt  
Hubbard  
Hunter  
Hutto  
Ireland  
Jenkins  
Latta  
Lujan  
Mack  
Madigan  
Marlenee  
McMillan  
Monson  
Montgomery  
Murtha  
Myers  
Nichols  
Nielson  
Olin  
Packard

Pickle  
Porter  
Ritter  
Roberts  
Roth  
Rowland (GA)  
Rudd  
Schaefer  
Shumway  
Siljander  
Smith, Denny  
(OR)  
Smith, Robert  
(OR)  
Snyder  
Solomon  
Spence  
Stangeland  
Stenholm  
Strang  
Stratton  
Stump  
Sundquist  
Sweeney  
Taylor  
Thomas (GA)  
Vander Jagt  
Whittaker  
Wilson  
Wortley

## NOT VOTING—27

Ackerman  
Addabbo  
Atkins  
Barnes  
Berman  
Carr  
Edgar  
Fazio  
Green

Kemp  
Kostmayer  
LaFalce  
Leath (TX)  
Lewis (CA)  
Loeffler  
Lundine  
McCandless  
Mica

Moakley  
Mrazek  
Pursell  
Rinaldo  
Rostenkowski  
Schumer  
Sharp  
Stokes  
Young (MO)

## □ 1900

Mrs. LLOYD changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## □ 1910

## PERSONAL EXPLANATION

Mr. TRAXLER. Mr. Speaker, the House voted on an amendment to H.R. 2100, the Food Security Act, offered by Mr. GLICKMAN and Mr. WOLPE. The amendment (rollcall No. 337), struck the exemption to the "sodbuster" provisions, and requires farmers who plowed highly erodible land between 1981 and 1985 to have until 1995 to apply conservation plans to continue to be eligible for farm programs. I voted against this amendment in error, and I would like the RECORD to reflect

that I had intended to support this amendment.

Mr. Speaker, I ask unanimous consent that this statement appear in the permanent RECORD immediately after the vote on rollcall No. 337.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

# COMMUNICATION FROM THE HONORABLE FRED J. ECKERT, MEMBER OF CONGRESS

The SPEAKER pro tempore [Mr. GRAY of Illinois] laid before the House the following communication from the Honorable FRED J. ECKERT, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, October 7, 1985.

HON. THOMAS P. O'NEILL, Jr.,

The Speaker,

House of Representatives, The Capitol,  
Washington, DC.

DEAR MR. SPEAKER: I am writing to notify you, pursuant to Rule L(50) of the Rules of the House, that I have been served with a subpoena issued by the Superior Court of the District of Columbia, and two members of my district office staff have been served with subpoenas issued by the Rochester City Court, State of New York, County of Monroe. After consultation with the General Counsel to the Clerk of the House, I will reach the determinations required by Rule L(50) and will promptly notify you with regard to same.

Sincerely,

FRED J. ECKERT,  
Member of Congress.

# REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 313

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Virginia, [Mr. WHITEHURST] from the list of cosponsors of House Joint Resolution 313.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

# STRANGE VIEW OF A LAWYER'S JOB

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the U.S. policy with respect to the questionable legality of the Reagan administration's mining of the harbors of Nicaragua and the resultant case in the World Court has taken another sad turn. Today's New York Times says that a measure that would withdraw the United States from World Court jurisdiction in political cases has been approved by the National Security Council and is expected to be signed



by the President today. It says the details were quietly drawn up in recent weeks by Attorney General Edwin Meese and Secretary of State George Shultz.

The Reagan administration's strange, cavalier treatment of both American and international law in this case, is not something that is just an isolated instance. Ms. Jeane Kirkpatrick, American Ambassador to the United Nations, recently wrote an article in which she denounced American lawyers for having the audacity to appear before the World Court representing Nicaragua to argue its case against the United States.

An interesting article appeared in the Akron Beacon-Journal for Friday, October 4, by Edwin M. Yoder, Jr. He pointed out that lawyers have a duty to uphold the law. Yet the other day Attorney General Meese was interviewed on McNeil and Lehrer, and he said his chief duty was to carry out the policies of the President. One would have thought his first duty was to see that the law is enforced.

As Mr. Yoder says, those who deny the possibility of a valid distinction between national policy and issues of law whose feet are on a slippery slope.

The full text of the Yoder article follows these remarks.

#### STRANGE VIEW OF A LAWYER'S JOB

(By Edwin M. Yoder, Jr.)

WASHINGTON.—If Jeane J. Kirkpatrick seeks the Maryland Senate seat Charles McC. Mathias will shortly vacate, her platform should surely include the crabbed view of the duties of international lawyers she recently expounded in the Washington Post.

It would make for some excitement, as lawyers abound in Maryland (as where do they not?). They, but not they alone, must find her views stimulating.

Mrs. Kirkpatrick, until recently the U.S. ambassador to the United Nations, is annoyed that distinguished U.S. lawyers will be arguing Nicaragua's case against this country in the World Court. Nicaragua, whose Marxist regime is on our official blacklist, has charged the United States with various infractions of international law—including the secret mining of her harbors by the CIA.

To that end, Nicaragua has engaged Prof. Abram Chayes of Harvard, a former State Department counselor, as chief counsel. Chayes will be joined by other U.S. citizens.

This, Mrs. Kirkpatrick writes with barely contained indignation, is the first time that "lawyers and witnesses have opposed their own country."

Not all would put it so. Others, mindful that lawyers are ethically entitled to see that even rogues have their day in court, would say that Chayes is entitled. Mrs. Kirkpatrick insists, however, that the World Court is essentially a political forum whose views "broadly reflect the politics of the (United Nations) General Assembly," which elects the judges.

And if Nicaragua's suit against this country is therefore a mere political shoving match, she finds no difficulty in concluding that the appearance of American lawyers in Nicaragua's behalf is "curious," if not (she

avoids the word, but the insinuation is there) unpatriotic. Chayes and company are helping a foreign government "undermine the legitimacy of existing U.S. government policy."

A victory for Nicaragua would not be without its impact on U.S. policy. But the implications of the Kirkpatrick thesis are nonetheless disturbing, and not merely to international lawyers. Essentially, Mrs. Kirkpatrick proposes for the bar the "my country, right or wrong" standard once memorably applied to the press by Secretary of State Dean Rusk. The reporting on Vietnam, he once said, "raises the question of which side you're on," never mind the merits.

Under the Kirkpatrick rules, apparently, any regime opposed by the United States would be off-limits as a legitimate client for an American lawyer—no matter what the issue and however reputable the tribunal.

Such a standard would soon make self-fulfilling prophecy of her view that the World Court is a political, not a legal, forum. Whatever the legal merits, lines invariably would be drawn in terms of national self-interest rather than of international law. Stripped of all objective functions and rules, the court would soon be of no value at all.

It happens, however, that Jeane Kirkpatrick's characterization of Nicaragua's case against the United States as no more than political is questionable. At issue is not U.S. policy, but the legality of certain disputed steps (such as the furtive mining of Nicaraguan harbors) taken to implement that policy.

The distinction is less easily blurred than Mrs. Kirkpatrick would have us think. Even she would presumably agree that at the 1946 Nuremberg Tribunal, what was in question was not war per se but the crimes against civilian populations for which the Nazi leaders were responsible—crimes that transgressed treaties.

If the World Court vindicates the ambassador's insulting estimate of its intentions and renders a blatantly political judgment, it will merely undercut its own authority. If, however, it rules impartially, according to recognized doctrines of international law, it may give the Reagan administration's practitioners of illicit secret warfare something to think about.

In neither case should the slightest odium attach to lawyers and witnesses who argue the case.

"We have," Mrs. Kirkpatrick writes, "put our foot firmly down on a slippery slope where distinctions between one's country and its adversaries . . . fade and disappear." No, it is those who deny the possibility of valid distinctions between national policy and issues of law whose feet are on the slippery slope.

#### THERE HE GOES AGAIN!

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, there he goes again. Over the weekend, President Reagan was talking up a balanced budget and pushing for a plan that is called the balanced budget act of 1985.

How many times have we been through this with him?

Mr. Reagan has had 5 years to submit a balanced budget. Instead, as the New York Times pointed out recently, he has used those 5 years to earn "his Ph.D. in the art of borrow-and-spend."

I talked with the President a while back and asked him why he hadn't yet submitted a balanced budget. He responded that that was the most cynical question he had ever heard.

If we are going to address seriously the issue of how to reduce the deficit, we can't continue playing these senseless games to avoid the hard truth.

The President, regretfully, continues to play a game of words with the American people on an issue that's a threat not only to our economy but to the world economy. He's no longer the ultimate innocent; he's the manager of the monstrous \$2 trillion deficit he rails against.

The numbers clearly show that the President earned his title of Dr. Deficit and that he has no intention of presenting Congress with a balanced budget.

I insert the following:

(From the New York Times, Oct. 4, 1985)

#### THE BALANCED BALONEY ACT OF 1985

Frustrated by the failure to reduce the breathtaking Federal deficit, Congress and the President are ready to fasten onto a fantasy. Dreamed up by Senators Rudman of New Hampshire and Gramm of Texas, both Republicans, it promises to balance the budget by 1991. The idea is appealing but this approach is perilously unbalanced.

Congress's frustration is easy to understand. This year, again, it has struggled to cut one program after another only to wind up with yet another huge deficit. The plan responds handsomely to the prevailing mood of desperation.

Here is how it's supposed to work: The deficit for fiscal 1986 is assumed to be \$180 billion. Deficits in following years would be reduced to zero in equal yearly steps. If the President and Congress failed to agree on how to achieve the goals, the bill would require across-the-board spending cuts—with important exceptions.

The first flaw is the starting point. The official estimate for this year's deficit is low, maybe \$20 billion too low. Second, aiming at zero is arbitrary, perhaps dangerously so. Big cuts in the deficit are essential. But perfect balance isn't necessary by a given date. Forcing its achievement could, depending on economic conditions, start a recession or stifle a healthy recovery.

Third, the approach is unbalanced and unfair. The trigger mechanism would affect only spending, and not all of that. It would not cut interest on the debt or Social Security and would leave vague leeway for increases in other "uncontrollable" costs. No tax increases are involved and no controls would apply to rising "tax expenditures"—revenues lost to deductions and exemptions that add to deficits just as spending does.

The final flaw concerns credibility. Congress may solemnly demonstrate its firm resolve with legislation—but everyone knows Congress can act even faster in the opposite direction. The 95th Congress passed a law requiring a balanced budget by 1981. The 96th repealed it.

Senators Rudman and Gramm, now joined by Senator Hollings, give their scheme the title "Balanced Budget and Emergency Deficit Control Act of 1985." Beware. The only way to balance the budget and control the deficit is to cut spending equitably, which neither the President nor Congress seems able to do; or raise taxes, which the President refuses to do; or both. No wonder everyone's rushing to embrace this choice bit of balanced baloney.

[From the Center on Budget and Policy Priorities, Washington, DC, Robert Greenstein, Director]

#### REVISED ANALYSIS OF GRAMM-RUDMAN

This is an updated and revised analysis, prepared at 3 p.m., October 4. It supersedes the Center's earlier analyses on this matter. Among the revisions covered here are:

The finding that 38 percent of the defense function (not 30 percent) would be exempted. OMB estimates show that 38 percent of the defense function is now classified as "relatively uncontrollable."

A brief discussion of why Gramm-Rudman could give the President more leverage to resist deficit reduction packages that include tax increases.

A new section on new powers ceded to the President under Gramm-Rudman, including the power to decide unilaterally whether to institute automatic spending reductions immediately in a recession (or to postpone such reductions for 30 days to allow time for an alternative plan to be prepared) and the power to decide unilaterally whether to institute automatic spending reductions if the projected deficit exceeds the deficit target for the year by up to (but not more than 5 percent).

[From the Center on Budget and Policy Priorities, Washington, DC]

#### THE GRAMM-RUDMAN PROPOSAL—(REVISED OCTOBER 4, 1985)

Senators Phil Gramm (R-Texas) and Warren Rudman (R-N.H.) plan to offer a major amendment to the debt ceiling bill that would require a balanced budget by FY 1991 and would trigger automatic spending reductions each year if projected deficits for the year exceed specified levels. While mechanisms to enforce greater deficit reduction may be useful, Gramm-Rudman would cause serious problems.

It is highly unbalanced, exempting taxes, tax expenditures (which disproportionately benefit upper income individuals and large corporations and are now growing at a \$30-\$40 billion a year clip), Social Security, and approximately 38 percent of the defense function of the budget from the automatic spending reductions.

At the same time, other domestic programs—including programs for the poor—would be hit in a highly disproportionate manner. Because revenues plus so many other areas of the budget would be exempt from the automatic spending reductions, programs for the poor would have to bear a share of the automatic spending reductions equal to approximately twice their share of the overall budget.

Social Security cost-of-living adjustments would be protected for middle and upper income beneficiaries but would effectively be canceled out for the elderly and disabled poor.

It could become more difficult than ever to persuade the White House to accept revenue increases as part of a larger plan to reduce the deficit. The President would be

able to veto any budget reconciliation bill containing revenue increases, knowing that such action would not affect the deficit because the automatic spending reductions would take effect, instead. Moreover, Congress would be forced—if it wished to avoid the automatic spending reductions—to present the President a reconciliation bill he would agree to sign, which could mean a bill with no revenue increases. Gramm-Rudman may thus shift some leverage to the White House.

Gramm-Rudman is poor economics, requiring large deficit reductions even if the economy is stagnant or growing so slowly that unemployment is rising—an action that could force us into a full-scale recession in such circumstances. Moreover, even during a recession, the President would be free to trigger large-scale automatic spending reduction by executive fiat.

It transfers major new powers from the legislative branch to the executive branch.

It is easily subject to manipulation in a number of ways by OMB.

#### I. LACK OF BALANCE

##### A. Taxes

Despite analysis by persons and organizations ranging from CBO to Martin Feldstein showing that the large tax cuts of recent years have been one of the principal reasons that deficits have tripled since 1980, revenues would be entirely exempt from the automatic spending reductions under Gramm-Rudman. Particularly egregious is the exclusion and protection of tax expenditures.

According to official Treasury-Joint Tax Committee estimates published earlier this year by the Senate Budget Committee, tax expenditures will increase \$192 billion between fiscal year 1984 and fiscal year 1989. Under Gramm-Rudman, tax expenditures and tax shelters for the wealthy would be allowed to boom at a pace far outstripping the inflation rate, while basic benefit and services programs for the poorest Americans would be subject to steep reductions if automatic spending reductions are triggered.

#### TREASURY/JOINT TAX COMMITTEE ESTIMATES OF TAX EXPENDITURES

(In billions of dollars)

	Amount	Year-to-year increase
Fiscal year:		
1984	322.0	
1985	365.1	+43.1
1986	404.2	+39.0
1987	435.7	+31.5
1988	471.6	+35.9
1989	513.8	+42.3
5-year increase		+191.8

While tax expenditures would be exempt, there is one form of tax benefit that could be affected by automatic spending reductions—the earned income tax credit for the working poor (EITC). The EITC could be affected because part of the EITC is scored as a budget outlay. The result is that taxes could be raised—but only for the poor.

##### B. Social Security

Social Security would also be exempt from the automatic spending reductions. This puts far greater pressure on remaining domestic programs.

Moreover, even the treatment of Social Security beneficiaries is inequitable—and depends on their income. Under Gramm-Rudman, while middle and upper income

beneficiaries would get the full Social Security COLA, poor beneficiaries would lose their Social Security COLA if automatic spending reductions are triggered.

This is because many poor beneficiaries receive Supplemental Security Income (SSI) as well as Social Security. There is a federal SSI benefit standard (which is below the poverty line) and SSI recipients receive an SSI payment equal to the difference between their Social Security benefit and the SSI benefit standard. If automatic spending reductions of any magnitude are triggered, the SSI benefit standard (which is now indexed each year) would be frozen. As a result, there would be a dollar-for-dollar reduction in SSI benefits equal to the exact amount of the Social Security COLA increase. The result is that the Social Security COLA would be canceled out for all SSI beneficiaries—leaving the COLA in place for more affluent elderly persons while taking it away from the poor.

##### C. Defense

Some Members of Congress have been attracted to the plan by the fact that the automatic spending reductions would hit defense spending. While this is true, defense spending would still be partially protected and would not be subject to the same degree of reduction as most domestic programs.

Under Gramm-Rudman, only the part of the defense function of the budget that OMB classifies as "relatively controllable" would be affected if automatic spending reductions are triggered. OMB classifies 38 percent of the defense function as uncontrollable<sup>1</sup>—and this part of the defense budget would be protected. Essentially, defense contracts for most weapons—which make up a large share of the "uncontrollable" part of the defense budget—would be exempt.

In addition, the automatic spending reductions for any fiscal year would be computed as reductions from the spending levels for that year that Congress has approved. If Congress follows the budget resolution passed in August, defense would get 3 percent real growth (or 7 percent-8 percent nominal growth) in future years, while many domestic discretionary programs would be frozen or get an adjustment that was less than the inflation rate. This means that the base for defense, from which the automatic reductions would be made, would likely include a healthy increase, while the base for most domestic discretionary programs would have little or no increase.

Suppose, for example, an across-the-board spending reduction of 12 percent were triggered. Since about 38 percent of the defense budget would not be affected, the actual reduction would equal only about 7 percent of total defense spending. If defense started from a base of 3 percent real growth, this would simply reduce defense to about a freeze level, a reduction the Pentagon could easily absorb for a year or so because of the tremendous backlog of unobligated, unexpended defense budget authority from prior years now sitting in the Pentagon's accounts. At the same time, many domestic

<sup>1</sup> Table 18 on page 9-44 of the "Budget of the United States Government, Fiscal Year 1986" shows that only 64% of defense outlays in FY 1985 and 62% of outlays for FY 1986 are in the "relatively controllable" category. Military pensions are not included in these computations by OMB, because military pensions are included with other Federal pensions in the income security function of the budget—and are not part of the defense function.



discretionary programs—including basic programs for the poor—would be cut 12 percent below a freeze level.

#### Low Income Programs

There would be no protection or exemption for low income programs. And because at least half the budget would be exempted (Social Security, approximately 38 percent of defense, interest on the debt, and certain other forms of unindexed, uncontrollable spending, such as farm price supports and other prior year contract obligations), low income programs would have to bear a share of the automatic spending reductions equal to approximately twice their share of the overall budget. Thus, while tax expenditures for the wealthy and large corporations would have immunity, poor families would be hit doubly hard. These reductions would be on top of the disproportionate reductions in low income programs made in the first Reagan term.

Two low income programs that would be hit especially hard are food stamps and low income housing. Because OMB classifies food stamps as a relatively controllable program (rather than a pure entitlement), food stamp benefits could be reduced far below prior year levels. Automatic cuts in food stamps could go well beyond cancellation of the COLA.

Low income housing could be affected still more severely. If automatic spending reductions are triggered, the reductions in budget authority must be sufficiently large to reduce outlays in each account by the same percentage. In low income housing, most new budget authority for any given year results in outlays in subsequent years. In order to reduce outlays by any significant percentage, nearly all budget authority for low income housing would have to be wiped out. Thus, if there are automatic spending reductions of any magnitude, appropriations for low income housing would practically have to be "zeroed out."

Conclusion.—By exempting revenues and about half of all outlays, Gramm-Rudman establishes severely inequitable budget cuts if automatic spending reductions are triggered—cuts that largely protect the generous tax expenditure benefits of the affluent while cutting deeply into programs for the poor and discretionary spending.

#### II. BAD ECONOMICS

Gramm-Rudman is poorly designed from an economics standpoint.

First, it requires deep deficit reductions as long as real GNP growth is zero or greater. To make deep deficit reductions if economic growth is, for example, in the 0-1 percent range—which would generally mean that growth was too slow to keep unemployment from rising—would run a strong risk of sending the economy into a full-scale recession.

Second, Gramm-Rudman could force deep cuts even if the economy is already in a recession. While some appear to believe that the deficit targets and the automatic spending reductions under Gramm-Rudman would not be put into place if there were a recession, this is not accurate.

Gramm-Rudman does still require automatic spending reductions during a recession—it simply allows the President, at his discretion, to postpone the implementation of these reductions for 30 days. If the President decides to go ahead with the spending reductions, or if the President provides for a 30-day postponement but the Congress and the President do not agree on, and enact, an alternative budget package during this 30-

day period, then the automatic spending reductions still take effect. Moreover, during the 30-day period, normal Congressional committee procedures are altered or suspended to give heavy preference to whatever alternative budget package is submitted by the White House.

Finally, there is serious question as to whether a fully balanced budget is necessary (or even desirable). Many economists favor reducing the deficit substantially to 1 percent or 2 percent of GNP, but not necessarily to zero. There is some question as to whether a balanced budget would provide sufficient fiscal stimulus.

#### III. POTENTIAL FOR MANIPULATION BY OMB

While Gramm and Rudman may claim that their plan gives little discretion to OMB and the White House, close examination of the plan shows this is not really the case.

The determination of whether automatic spending reductions are required, and if so, how large they must be, is to be based on an average of CBO and OMB forecasts. In recent years, OMB has frequently tailored its economic and deficit forecasts to suit the Administration's political interests (recall the OMB forecasts of summer 1984 showing that we would grow our way out of the deficit). Under the Gramm-Rudman system, it would be easy for OMB to "game the system" by producing forecasts that, when averaged with CBO's, produced the result OMB desired.

In addition, the so-called across-the-board spending reductions might not hit all affected programs equally. It is unclear, under the statutory language of Gramm-Rudman, whether each account, each line in an account, or each program would be reduced the same percentage. Depending on the interpretation given to this language, OMB might have the discretion to allocate the reductions within accounts—which might allow OMB to make substantially deeper cuts in some programs the Administration doesn't like and has unsuccessfully tried to get Congress to cut heavily for years.

#### IV. MAJOR NEW AREAS OR AUTHORITY ACCORDED TO THE EXECUTIVE BRANCH

There are a number of areas where major new powers would be ceded to the Executive Branch. A few examples are:

If the economy is in a recession and the deficit targets for the year will not be met, it would be left up to the President to decide whether to trigger the automatic spending reductions immediately or to postpone the reductions for 30 days and submit a plan to Congress calling for an alternative plan of action.

If the projected deficit for a given year will exceed the deficit target for that year by up to 5 percent (up to 7 percent for fiscal year 1986), it is left entirely up to the President whether to institute the automatic spending reductions.

#### V. GRAMM-RUDMAN AND THE 1986 ELECTIONS

The latest revisions to Gramm-Rudman have a curious effect—they effectively postpone the implementation of major deficit reductions until after the 1986 elections. Whereas the original version of Gramm-Rudman required reductions for fiscal year 1986 if the projected deficit exceeded \$180.5 billion (\$171.9 billion plus a margin of 5 percent), the final version requires deficit reductions in fiscal year 1986 only if the deficit exceeds \$192.6 billion (\$180 billion plus a 7 percent margin that would be applicable only for fiscal year 1986). This change, reportedly requested by the White House, vir-

tually ensures no action under Gramm-Rudman until fiscal year 1987. Any automatic spending reduction for fiscal year 1987 under Gramm-Rudman would not be announced until mid-October and could not actually be implemented or felt at state or local levels until after the elections.

#### VI. QUESTIONS

There are numerous areas of critical importance where Gramm-Rudman is fuzzy and unclear. A few examples here are:

The automatic spending reductions are supposed to be triggered in October 1 of each year. What happens if appropriations and mandatory spending bills are not enacted by that date? How is the deficit then forecast and what is used as the base for figuring automatic spending reductions?

What happens to entitlement programs that do not have federal COLA's, such as AFDC and Medicaid? Are they subject to automatic spending reductions? If so, how are such reductions made?

#### THE GRAMM-MACK PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, we are going to talk this evening about the opportunity to tackle deficit spending, the possibility of passing the Gramm-Mack proposal which is now in the other body and which we hope will be here soon, and which offers us a real chance to have one decisive vote on whether or not to control Federal spending.

It is fascinating, the country is watching the city of Washington wrestle with deficits and an approaching \$2 trillion debt limit. Yet, this week, we have a real opportunity to do something about Federal spending and the rising deficit tide that the Federal Government is building up as it borrows more and more money.

It occurred to me that there must be a great deal of frustration in the Nation at large as they watch the Federal Government unable to balance its books, to control its spending, to bring under control its appetite for our tax dollars and for borrowing more and more funds.

The voters who in 1968, 1972, 1976, 1980, and 1984 voted for the more conservative candidate for President must truly be frustrated and bewildered. Remember that in 1968 it was Nixon and Wallace between them who had an overwhelming majority both arguing for fiscal conservatism. In 1972, Nixon carried virtually every State against McGovern arguing for fiscal conservatism.

In 1976, both candidates for President were fiscal conservatives. Jimmy Carter was a southerner who was going to balance the budget. Gerald Ford had a career in Washington as a conservative Republican Congressman committed to balancing the budget.

□ 1920

In 1980 Ronald Reagan ran as a man who would balance the budget, and in 1984 the argument was not over whether or not we should balance the budget, but between Walter Mondale's determination to balance it with tax increases versus Ronald Reagan's determination to balance it with spending cuts.

So voters who have been involved in politics now for some 17 years have seen virtually every Presidential candidate speak out in favor of a balanced budget. Voters who read "Conscience of a Conservative" and admired Goldwater's 1964 campaign must be frustrated after 21 years of support for the conservative movement. Voters who admired Ronald Reagan's 1964 speech on behalf of Goldwater and who admired Reagan's campaigns for Governor of California and his three campaigns now for the Presidency must also be frustrated. Yet despite a growing conservative tide in America, despite the fact that in recent polls 62 percent of the American people said they would rather cut spending than raise taxes, despite the fact that President after President has talked about the need for a balanced budget, the fact is that we have huge deficits, that the debt limit is about to approach \$2 trillion, and that we need to take active steps, and I would suggest, Mr. Speaker, that it is this House which is morally responsible.

When President Reagan spoke today and said he was against the 50-year tide of the liberal welfare state which had built up this momentum, he was serious. He has been systematically the most conservative politician at the national level in our lifetime. He has also been the toughest on domestic spending.

But we have had some recent votes in this House of Representatives which may give the average American an opportunity to examine the two parties and decide why it is so hard to cut spending. Just today, for example, I offered an amendment which would increase the speed with which we would move from a welfare state program of food stamps, without effort, to an opportunity society program that required workfare—a very simple idea. It says that if you are going to get money from the Federal Government and you are able bodied and under the age of retirement, you ought to have to work for the money. It is an idea that virtually every American supports. The polling data on who supports workfare is massive, and yet today we saw a clear split between the two parties. Republicans voted for workfare by 5 to 1; Democrats voted against workfare by 7 to 1. One was the party of workfare, the Republicans; the other was the party of welfare, the Democrats—a clear choice.

Ah, but, you might say, this, after all, was a vote in which there was pressure from back home. Well, in the first place, most of the pressure from back home was from working Americans who are tired of their tax dollars going to pay for people who are able-bodied adults who are not working, and in the second place, the pressures were despite public opinion. It was a liberal Democratic effort to avoid the public concern, and I think if average citizens will check to see how their Congressman or Congresswoman voted, they will be surprised at the number of people who talk good rhetoric at Rotary Club meetings but voted against a workfare program today.

But in order to have a real sense of how deep the commitment to spending is in this House, it is useful to look at one day recently when the House voted on its own budget. I choose this particular set of votes because, frankly, there is no great public pressure for the House to spend more money. There is no interest group knocking down our doors begging us to spend more in the House. There are no letter-writing campaigns back home asking us to spend more in the Congress. Yet on one particular day, when we had four specific amendments to slow down the spending by the Congress, when we had four specific efforts to stop the Congress from spending more and more money, on each occasion a majority of the Democrats voted to spend more money.

Let me walk through the list for a moment. First, there was a vote to freeze congressional spending at last year's level. Second, there was a vote to limit the number of mass mailings to our constituents from six a year down to four a year. Third—and I want this to be very carefully stated so everyone can understand it—there was an amendment to hire additional automatic elevator operators, and I will come back to that. Finally, there was an amendment to stop the Congress from paying to put Playboy into braille at a cost of something like \$1,200 an issue.

Let me walk back through these because in each case a majority of the Democratic caucus voted to spend more money. First of all, it was suggested by the gentleman from North Carolina [Mr. COBEY] that it would be useful for the Congress to freeze its own spending, that in fact we should set an example for the rest of the Nation and not spend more. That lost. Apparently even the Congress, as large as we now are, with as much staff as we have, and with as much money as we have to spend, had to find more money.

Second, there was a motion to say that four mailings a year, one every 3 months, is enough. Many citizens received constituent mailings from their Congressmen. I think they are a

useful and legitimate way to inform the citizens, but we thought that four a year was enough. Although it costs \$10 million to send those two extra mailings a year, we were defeated. We could not even shrink the number of mailings from six to four.

Third, there was a proposal in the appropriation bill to hire more people to run automatic elevators. Let me make this clear. These are not complicated elevators. These are elevators that most citizens run on their own. They have little buttons that have numbers, and the numbers correspond to the floors of the building. You walk in, and you push "4" if you want to get off at the fourth floor. It is not a complicated system.

Let me be very candid. There is a legitimate reason for some elevators to have a manual operator to override the system when we are having votes so Members can get here to the floor. I would not vote to abolish all of the elevator operators because there are some places where we need them, specifically when we have votes.

These were extra ones. These were a few more patronage jobs, a few more opportunities to help politicians' friends. And as I said, they are automatic elevator operators—almost a contradiction in terms, like "jumbo shrimp." Again we lost the vote. More automatic elevator operators were to be hired, and a majority of the Democratic Caucus voted for it.

Finally, a citizen in Ohio wrote Congressman CHALMERS WYLIE and said in his letter:

I am a blind person, and I am very grateful that the U.S. Government prints many things in braille, but I want to bring to your attention the fact that the Government is printing Playboy in braille.

He said:

First of all, they don't put the pictures in braille, they don't put the cartoons in braille, and, frankly, the articles aren't that interesting. If it really costs you \$1,200 a copy to make Playboy in braille, I would suggest you find a different program. There are other things I would rather see.

Congressman WYLIE decided that this was a legitimate request, that after all if in fact all you are going to get is Playboy's articles without the pictures and the cartoons, why was the U.S. Government paying \$1,200 a copy to turn Playboy into braille? So he offered to cut out the particular expenditure, and again a majority of the Democratic caucus voted to spend the money.

Mr. Speaker, I would suggest that if you walked in and you did not want to freeze spending—maybe you had a good reason, even though we have a big deficit, even though we in Congress should in fact set an example—if you walked in and you did not want to cut the mailings from six to four and you really believed in the mailings even though it costs \$10 million, if you



wanted to spend the \$10 million because you really believed in them, I might understand that particular vote.

There are at least four or five people who will probably get a patronage appointment to the elevator operators' jobs, so I understand why a few Members voted to hire additional automatic elevator operators.

There may be some Members who are very liberal who believe as a matter of automatic bias that, by George, the Federal Government just ought to put Playboy in braille because we owe it to the people to print Playboy if we are going to print anything else. I can understand that bias.

But for a Member of this Congress, in the middle of this deficit, to walk in and vote every single time for more spending certainly qualifies him, it would seem to me, for the title of "spendaholic." It is almost as though there was an automatic sense of—does this spend more cash? Let me spend it.

When people want to know why Ronald Reagan is having a hard time bringing the budget under control, when they want to know why every Presidential candidate who has won, starting in 1968, has talked about the need for a balanced budget, though we still have not gotten there, the first place they should look is the U.S. House of Representatives, and they should look at the fact that the Democratic caucus has a majority who voted on every single occasion that day to spend more money on the Congress itself, no matter what the amendment was.

Now, I cite this because I want to make it very clear for people like myself. I was 11 years old when the Democrats took control of Congress, and I am now 42. They have had every year since I was 11 control of the calendar, of the committees, of the staffing system, of what bills come up, and of what hearings are to be held, and the result is that we have now had 31 years of the same people in charge of the Congress. And if a majority of their caucus is in fact made up of spendaholics, of people determined to spend money, then I think that says a great deal about why we are having a difficult time getting the Gramm-Mack proposal up for a vote.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am delighted to yield to my friend, the gentleman from Pennsylvania.

□ 1930

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I think it needs then to be further pointed out that the problem with deficits, as the gentleman pointed out at the beginning of his remarks, the American people are sick of and they want something done about, that the problem with deficits is a spending problem. It

is not, as many of the spenders in this body would like us to believe, a conglomerate of problems, too little taxes, too much defense and all this. It is a spending problem, pure and simple, because what we know at the present time is that in the last 5 to 6 years we have seen the Federal spending as a percentage of the gross national product go from 20 percent up to 25 percent.

Now, those who say we need additional taxes coming into the Government in order to do something about deficits ignore the fact that revenues to the Federal Government as a percentage of the GNP have remained constant. We are still getting 19 percent of the GNP into the Federal Government as revenue; therefore, it is spending expansion from 20 percent up to 25 percent that has indeed caused the massive deficit problem that we now face.

So in pointing out the fact that we have got a group in the House of Representatives who are spending oriented, I think the gentleman then helps us to understand why this is a serious problem when we get to the deficit, because those are the people who are causing that spending increase to go from 20 to 25 percent of the GNP.

As a result of that, we find ourselves with \$200 billion deficits and the Gramm-Mack proposal, as the gentleman has pointed out, is the first real attempt that we have had around here in a number of years, the first attempt at discipline, the first attempt with teeth to control that deficit problem and say that we are not going to continue to expand it, that we are going to begin a process of contraction, that we are going to start with the deficit level that we have determined for this year and we are going to steadily ratchet downward deficits until we get to zero in 1991.

And already, what do we hear from the Democrats and the liberals in this body? They came to the floor today, came to the well during the 1-minute speeches today, just screaming bloody murder that they had not had enough time to consider this, that this was not the proper vehicle, that there are just all kinds of excuses why they do not want to take up this proposal.

The fact is that they have not been willing to take up any proposal that imposes discipline on the budget process and thereby they have gotten themselves into the position where they can constantly spend more and more money.

So when the American people focus on deficits and say they are disgusted, when the American people say that they want balanced budgets, that is ignored here, because the tendency here is to only spend. It is a spending machine out of control that this particular resolution seeks to bring some discipline to.

I think I would join with the gentleman in saying that it is our hope that the American people at least are allowed to see a vote on that issue in this body.

Mr. GINGRICH. Well, if I can build on the gentleman's own point, the fact is that if you were to have kept actual spending by the Federal Government at the same level as that in 1980, we would today have a balanced budget.

The fact is that the constant increases in spending are a major factor why we do not have a balanced budget.

When people say, "Well, we have to keep increasing spending," the point I would make is that we are now at close to \$1 trillion a year in spending. Now, \$1 trillion is real money.

This Congress should be able by being careful and by pinching an occasional penny or even by pinching an occasional dollar to save money; but as the example I was using and I chose deliberately, you have a Congress which cannot quit printing Playboy in braille, it cannot quit hiring automatic elevator operators, it cannot keep down the number of mailings it sends from six to four, it cannot freeze its own spending, it should not surprise us that that same House, with a Democratic majority which is committed to those kinds of programs is incapable of controlling spending.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield.

Mr. WALKER. Just to build on the point as well, we have heard much weeping and wailing on this floor that took place today during consideration of the farm bill about the fact that we have had so many programmatic cuts.

Well, the fact is that Federal spending is going up every year at a rate of about three to four times the inflation rate, so that we are not just spending to compensate for inflation now. We are spending way over the inflation rate.

As a matter of fact, many American people would be surprised to learn if they have listened to the liberals too long that the amount of revenue coming into the Federal Government is increasing dramatically. It is increasing by about 10 to 11 percent a year.

In other words, when we collected \$700 billion of revenue the previous year, it means that we are getting \$770 billion of revenue the next year, a fairly substantial sum, a hefty increase of the amount of revenue coming in as a result of economic growth.

But what are we doing? We are spending away all that revenue, plus some, because the spending of the Federal Government has been going up at a rate of 11 to 12 percent a year; so despite the fact that we are bring-

ing in additional revenues, we keep spending it away. The appropriation process, the authorization process, the budget process around here is oriented toward spending the money away, not only all the new revenues that are being accumulated, but revenues that we have not got as well.

Mr. GINGRICH. Well, if I could build on that for a second, to turn it into maybe more human terms, we are in the position of a young person who gets a job and gets a credit card. We have learned now that although we are getting a 10 percent a year pay increase, we are getting a 14 percent a year or 13 percent a year spending increase; so every year no matter how much our pay goes up, our debt goes up higher.

I think that as a country there is an intuitive sense in the Nation at large, a real feeling that we are at the end of that road, that we are now at a point where we have to bring spending under control. We have to in fact start taking steps which will allow us to get the deficit under control and to get us into a situation where we can get to a balanced budget.

But let me say to the gentleman two things. First, I think the deficit, as the gentleman pointed out earlier, is not the problem. The deficit is the symptom. Deficits bear the same relation to spending that hangovers bear to getting drunk. It is in fact the drinking that causes the hangover. It is the spending that causes the deficit and in a sense our friends on the left who are spendaholics would like us to look at the deficits just like a bartender might like the local drunk to look at the hangover. "Don't connect it to what you did the night before at the bar." They do not want to connect the deficits to the spending. They would like to be able to continue spending.

Now, for about 40 years the dominant wing of the Democratic Party followed a policy of tax and spend, tax and spend. One of the things which has happened with the rise of a working middle class that is much tougher on taxes than we used to be is that it is harder to raise taxes. Walter Mondale discovered that last year when he only carried one State after proposing that he would raise taxes.

I think what has happened then is the liberals have not learned, oh, people do not want to pay for it, let us not spend for it. What they have learned is a new habit of borrow and spend, borrow and spend; so they have replaced tax and spend with borrow and spend, which simply is a way of putting all these large deficits as mortgages on to our children and our grandchildren. They are going to have to pay the interest. They are going to have to pay the debt. They are going to have to bear the burden, which means they are going to have to work longer hours to pay more tax money

without getting any services for them, because they are just paying taxes in order to get the debt paid down.

Mr. WALKER. Mr. Speaker, will the gentleman yield on that point?

Mr. GINGRICH. Certainly.

Mr. WALKER. There is one figure that I found fascinating that I worked out the other day and that is that for every American family of four in this country, the debt that we have now accumulated doing the things the gentleman referred to, amounts to \$37,000 for every family. Now, if you take the present rate of interest, what we are paying for T-bills, that comes to about \$2,700 to \$2,800 per family that we are paying each year in interest payments on that \$37,000 worth of debt that we have accumulated in that family's name. That average family, the average wage-paying family in this country, pays only—I say only, but it is a substantial amount for that family—they pay \$2,750 in income taxes each year to the Federal Government.

In other words, for the average family out there, every dime that they spend in their tax money at the present time in income tax dollars is being eaten up in interest payments on their portion of the debt which we assigned to them as a result of all the spending we have done.

There is no hope of them getting ahead and when you consider that we are going to pile up additional debt and pile that on future generations, they will be in a position where all their taxes will not only go to pay the debt, but they will have to find other sources of revenue to pay the debt and that makes no sense. That is just totally nuts. It makes no sense economically. It makes no sense morally. It makes no sense socially. There is no acceptable reason, which is the reason my guess is that the gentleman would find in his district, like I find in mine, there is nobody in this country that is in favor of continuing to accumulate these kind of deficits.

I find none of my constituents, I mean, we may have differing versions as to what we should do, but none of my constituents are prodeficit at the present time, nor are they going to be in the future, in my opinion.

Mr. GINGRICH. It would seem to me that there is a clear Establishment power structure in this building which favors the deficits, that in fact what we have is a situation in which there are many people, particularly liberal Democrats, who love the idea of talking about Reagan's deficits. Now, the fact is that the President can never spend any money by himself. Under the U.S. Constitution, the House and the Senate have to approve every spending dollar and the House and the Senate have to agree to every taxing dollar.

□ 1940

So by definition, there can be no Reagan deficits. There could be a Reagan-House-Senate deficit, but there could not be a Reagan deficit.

But it is even more frustrating, frankly, to watch President Reagan, who is trying very seriously to bring all of this under control, who has worked now from 1964 when he first spoke for BARRY GOLDWATER, all the way up to the present, for 21 years, whose campaign for President, who has been Governor of California, who has now been President for 5 years, to watch President Reagan trying to gradually bring spending under control and to see the very people who do the most to stop him then ridicule the deficits they voted for as though they were Reagan's deficits.

I think what we now have with the Gramm-Mack proposal is sort of put up or shut up time. Now we have in the Gramm-Mack proposal a very specific, very clear program which, when signed into law, would require the President and the Congress to bring the deficit down for 5 straight years by controlling spending, so that at the end of those 5 years we would have a balanced budget.

That proposal is the most decisive and the most courageous and the most dramatic effort to control spending and bring the budget into balance what we have seen, I think, in the last 30 years. That proposal is tied directly to the debt limit, to the fact that we are about to approve a \$2 trillion—not billion; billion was a big number when I was young; now we are into trillions—a \$2 trillion national debt. What Mr. GRAMM in the other body and Mr. MACK in this body have said is, if conservatives are going to vote for a \$2 trillion debt limit, then let us vote to cut off the credit card, let us vote to bring spending under control.

It is a little bit like going to your banker and being told, "You are overextended, and if I am going to renew your loan then we are going to have to put you on a budget and we are going to have to get you to pay back more than you borrowed."

So what is happening is that the Gramm-Mack proposal is very real. This is not a resolution. This could become a law, and if this were to pass the House and the Senate, there will be an automatic process by which the President and the Congress would be required under law to bring spending down every single year for 5 years, until we got the budget into balance. It is a very tough measure. It is a measure that will work, and it brings real discipline to the body.

The result is, as the gentleman from Pennsylvania is pointing out, that on the Democratic side of the aisle we promptly today saw liberal after liberal get up who have been laughing at



Reagan's deficits, who had enjoyed poking fun at President Reagan, suddenly faced with a real proposal that would really control spending, they suddenly found all sorts of excuses.

The great challenge to the American public is going to be, can we even get the House of Representatives to bring this proposal up for a straight vote? Can we even get the liberal Democratic leadership to agree to put this bill on the floor so that everybody in America can look at this body say, "Well, when you really got down to it, did you have the guts to vote to control spending or did you vote for the special interests groups to continue the liberal welfare state and to continue to go into debt?"

I think the challenge you and I are going to face is going to be how we convince the public to write, to call, to visit with their Congressman to bring so much pressure to bear that the liberal Democratic Congressmen go to their leadership and say, "There has to be a fair, straightforward, straight up-or-down vote," because my fear, now having been here for 7 years and having watched this place, is that the liberal Democrats know that they will lose if the American people get a chance to see this vote.

Mr. WALKER. If the gentleman will yield, we have a rather long history of precisely that kind of subterfuge and sleazy political and parliamentary tactics taking place throughout the period when we have had balanced budgets considered.

For example, we have wanted for some time to vote on the balanced budget amendment to the Constitution, which is another way of imposing some discipline on the spending system. What has happened to that? Well, every year it has been introduced. Every year literally hundreds of Members have sponsored it. It has been more than a hundred Members on balanced budget amendments every year. In fact, in most instances it has been more than 200 Members who have sponsored some kind of a balanced budget amendment. Yet every year they end up being buried in the Committee on the Judiciary, never to be seen on the House floor, never to be heard from, so that there can be no straight up-or-down vote to find out whether some of these people who talk about sponsoring the bill would actually vote for it once it gets out here. So they have undermined that process.

A couple of years ago we had a process that we went through. It was a great political exercise just before one of the presidential years, before the 1980 campaign, when we passed a measure around here requiring a balanced budget of the Federal Government by fiscal year 1981. So some of us after 1981 decided we ought to impose that discipline. After all, it was the law

of the land, and it is still the law of the land. So on a couple of occasions I have carried, and some other Members have carried, amendments to the floor saying that here we have a bill that is spending a lot of money and we should spend none of this money in violation of that public law of the land that requires a balanced budget.

What happens? Well, the liberals line up and they just waive the whole thing. They just say, "Well, forget that," and so on. That was back then when we passed that. We did not know that anybody would actually impose it so, therefore, we should not do anything about really enforcing it.

I would say to the gentleman I remember one time very fondly when the measure on the floor was to build a memorial here in this town, one of the great priorities of the town, I thought, particularly in light of \$200 billion deficits. I thought, well, at least maybe instead of building a memorial and spending the money on that, we ought to enforce this public law of the land that requires a balanced budget. Well, it was not going to happen. Overwhelmingly, the House voted to spend the money for the memorial rather than to enforce the Balanced Budget Act. So that has gone by the wayside.

Then we have the Budget Act itself. We come out here and we hear all of this great political talk every time the budget comes up, and we spend months with the headline writers writing about what the Budget Committee is doing and we take great pride around here in this budget process where we impose discipline on ourselves. Sure enough, we passed a budget out here in August and the headlines across the country said we were going to save \$55 billion of taxpayers' money out of this year's deficits. I do not think anybody believed it. It got written up as a phony. It was a phony. People around here knew it was a phony. Many people voted for it, like I did, because it was at least one little element of discipline, but recognizing that this body was not going to live up to it.

What have we done since we came back in September after our August break? We have brought rule after rule after rule to this House floor that say what? Waive the Budget Act. The Budget Act is meaningless. Forget it. That was last month. We passed that last month. We got our headlines already. We have already written our newsletters. We have already sent out our press releases telling people that we imposed that discipline on ourselves. Now we can forget. It is now time to spend the money. We have lots of things to spend money on. The bill we are considering now on the House floor right now, the farm bill, was brought out here under a rule that waived the Budget Act.

So we consistently bring out bills that simply say, "Forget the Budget Act. We do not need that." So that is no discipline on ourselves.

The nice thing about the Gramm-Mack proposal is that it gets to discipline, and it is discipline that the House cannot waive because if we do, the funds get automatically impounded, the funds get sequestered. The President has the obligation at that point to enforce the law which is aimed at getting us to a balanced budget by 1991. The Congress cannot get around it very well, or at least if they do, they would have to get around it with a super-majority.

That being the case, all of sudden these people get worried because now it is no longer a case of sending out the dandy press releases, making all the great speeches before the Rotary Club about a balanced budget and that resolution that you are a sponsor on. Now you might actually have to live with it, and now they come screaming. They are screaming in the other body. They are screaming here that, "No, you cannot do this kind of thing. We cannot have a real law."

I think that the American people really do, as the gentleman says, have to get into this particular fight and they have to make Congress at least face up to its responsibilities to vote on that measure so that by next year, when the people go to the polls again, they will know how every Member of Congress voted on the key deficit issue of this Congress, whether or not to impose the kind of discipline on ourselves that is going to get us to a balanced budget in 5 years.

Mr. GINGRICH. Let me say that I think the fascinating thing is that a number of us support a constitutional amendment to require a balanced budget. We know that over 70 percent of the American people favor a constitutional amendment to require a balanced budget.

On several occasions when I have been making speeches or talking about the need for a constitutional amendment to require a balanced budget, I have had liberal Democrats say to me half jokingly, "That would take years to pass. We would have to pass it in the Congress, then the States would have to ratify it," and they say, "I want to do something now." Now the problem they are faced with is that the Gramm-Mack proposal lets them do something now. They can really vote to bring spending under control. They can really vote to shrink the deficit. They can really vote to bring a balanced budget here by 1991, and they could help make it a law. The President has said he would sign it. This is not a game. This is not politics as usual.

Ronald Reagan has said, "I will sign that bill if you bring it up here." If the

other body will pass it, and I think there is a good chance they will, then the question becomes, does the liberal Democratic leadership of this House really have the concern for the opinion of the American people that would lead it to bring to the floor a straight, clean vote on the Gramm-Mack proposal?

□ 1950

I do not care how many other proposals they want to bring to the floor the same day. I do not care if they have 87 ways to try to balance the budget. But I think they owe it to the minority party, they owe it to the American people, they owe it to President Reagan to at least give us one straight up or down vote on the Gramm-Mack proposal as it passes the other body.

Mr. WALKER. If the gentleman will yield again, the other point we have always heard the liberals make whenever we raise the point of a balanced-budget amendment is they always said well, that is nonsense, do not even take that up because you cannot get there. If Ronald Reagan was really in favor of a balanced budget, he would have submitted a balanced budget.

Once again, this particular bill is taking away their opportunity to make that argument, because this is really saying OK, here is a process by which we get to balance, at which point we can impose the constitutional mandate, and so that element of their argument, that has been done somewhat with tongue in cheek in this House on many occasions, is being taken away from them, too.

I would say that everyone who votes against the Gramm-Mack proposal, should we get that vote, and I agree with the gentleman, I certainly hope we do, anyone who votes against that proposal is really saying I am not for trying, for even trying to get to a balanced budget, because all of the excuses are gone on this one. There is no longer any smoke, there is no cover. If you do not vote for this proposal, you are not even for trying to get there, because the fact is there is nothing in the House rules, in our Budget Act, there is nothing we have right now that is imposing a discipline. This is the chance, and the American people need to evaluate it that way.

Mr. GINGRICH. Let me carry it a step further. This is, in fact, a serious 5-year plan for a balanced budget. It tells you every year how much you have to cut spending. It tells you every year how to get a little closer to the balance.

Now, it is not easy, it is not obvious. It took a great deal of work by the gentleman from Texas [Mr. GRAMM] and the gentleman from Florida [Mr. MACK] to put it together. But it is a real plan.

Mr. RAY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to my good friend and colleague from Georgia.

Mr. RAY. Mr. Speaker, I just want to rise to express my support for the Gramm-Mack amendment. It is my impression that across this country we are getting messages in this body that are giving us all kinds of signals and vibrations that the people of America are ready for us to practice some fiscal responsibility.

I recently mailed out 204,000 postcard questionnaires in my district, the Third District of Georgia. I have now received back several thousand that indicate that 74 percent of the people that have returned these questionnaires are interested in reducing the deficit and the national debt.

I would just like to ask the gentleman, are you feeling that maybe this body is not going to be in favor of the Gramm-Mack amendment? I had not felt that at this particular time. I certainly hope that we as a House, as a body, would support it and pass it.

Mr. GINGRICH. Let me say to my good friend, and I hope I do not get him in trouble by saying this, that he represents, I think, the commonsense, moderate, and conservative wing of his party, and that I am absolutely confident that if the liberal wing of your party will allow the amendment to come to the floor for a straight vote, that we will carry it. I am absolutely convinced that if we get a clean, up or down vote on the Gramm-Mack proposal, that we are going to carry it.

My fear is, and the gentleman has seen this happen all too often, that when you have a Democratic caucus in which a majority of the participants, and I know full well that my friend from Georgia is not one of them, but the majority of the participants voted for every single spending increase the day the House took up congressional spending, when you know that the pressures are immense on the liberal wing of the Democratic Party to avoid this opportunity to balance the budget by controlling spending, then I think you can appreciate why those of us on the Republican side will be very concerned that the Speaker would be under so much pressure that he would have to find a figleaf of procedural distortion to hide behind to avoid allowing the American people to have a straight vote.

Mr. RAY. If the gentleman might yield for 1 or 2 further minutes, I would like to, in order to put a little nonpartisan spirit into this very fine talk the gentleman is giving, along with the gentleman from Pennsylvania, Mr. [WALKER], I would like to ask the gentleman if he is aware of the White House budget and staff which is beginning to kind of amaze me just a

little bit? We do have a few Republicans spending money, too, you know.

Mr. GINGRICH. I could not agree more, and I think White House in particular seem to have a tendency over time to always add a few more people year by year.

I would say quite candidly that there are some Republicans who have as great an addiction for spending as many liberal Democrats, and certainly in other body there have on occasion been Republicans of particular renown in that way.

But I would say, as a matter of fairness, that the underlying pressures for spending in this city are ideological. That is, I think there has been a liberal welfare state in a broad sense in that there is a tendency for liberals in particular to find new opportunities for spending.

I would also concede, as I think the gentleman from Georgia, who is on the Armed Services Committee would agree, clearly there are times and places where there have been increases in spending that are necessary.

Mr. RAY. If the gentleman will continue to yield, I thank him for those remarks, and one final word. I consider myself a fiscal conservative. I work in a nonpartisan way. I have been accused of voting too much with the President, but I would say that the President has been with me about 66 percent of the time, and I have not been with the President all of that time.

But I will say this: Just this week I attended the retirement services for General Vessey at Andrews Air Force Base. I was amazed at the extra support that the President received on a military installation. The President came to the ceremony in a helicopter. The Vice President came in a helicopter. The Secret Service came in a helicopter. There were several dozen chauffeurs and Secret Service people who came to escort and to drive them about 200 yards in more than a dozen chauffeured limousines, and all of this took place on kind of a heavily armed military reservation.

So I just want to point out while I certainly agree that we have got to put a cap on Federal spending, we have got to work, I think, as a body more strongly in a nonpartisan way. I certainly myself am going to do so, and I do thank you for giving me a minute or two to enter into this dialog.

Mr. GINGRICH. Let me make clear I think there is a tendency in this city, that one of the most frustrating things for anyone who is a supporter of Ronald Reagan has to be to watch the way in which the bureaucracy gradually overwhelms the political appointees. You can come into this city as the most conservative, tightfisted, fiscally tough person in the world, and by the time you have been introduced



to all of the different parts of the permanent Civil Service that reports to you, for example, the Secret Service, there is a tendency for all police forces, given an opportunity to have maximum security, to somehow magnify that until it becomes virtually a circus. We have the same tendency, as the gentleman knows, right here in the Congress where we have not necessarily made the Congress a lot safer from terrorists, but we have certainly made it a lot harder for tourists.

I think there is a tendency when you say to police forces why do you not do what you think is necessary to then suddenly find three additional station wagons full of guys who are traveling in the caravan, with 26 more motorcycle escorts, and three more helicopters.

Similarly, I have the same feeling in the armed services area where the gentleman from Georgia [Mr. RAY] is a true expert in the sense that we still have the McNamara Pentagon, that despite the fact that we have had 5 years of the Reagan administration, we have not yet reformed that large centralized base of redtape which presides over our defense. Nor have we had a serious effort to close bases that are not necessary, nor have we had the kind of tough effort I think to go to multiyear procurement and that kind of rational spending.

But I would say on a bipartisan basis that the Congress deserves a great deal of the blame for the absence of military reform, that it is the Congress, and its subcommittees and its staff procedures which likes redtape in many ways. It is the Congress which would scream in outrage if the President were to send up here a list of 30 bases to close. It is the Congress which does not like long-term, multiyear contracting because that takes power away from the House and Senate and makes us make real decisions over a 5-year cycle, and that would weaken the power of some senior Members of the House and Senate to go out and have their impact on the Pentagon.

What I am suggesting, I think, and I hope the gentleman would agree with me, is that for 50 years we have seen the gradual development of the liberal welfare state. It was a good idea under Franklin Roosevelt, and many parts of it are a good idea today. But we have excesses of it, and that is why I offered the work fair amendment today, because frankly, while we want to make sure that everybody gets fed, we do not necessarily want to make sure that adults who are able-bodied or under retirement age do not have to work to get it.

Mr. RAY. I happen to be prodefense on the Armed Services Committee and have worked very hard to see that we have an affordable defense. I think the gentleman makes a good defense.

I do believe that you have some problems there in that mass of bureaucracy, but I do think that a lot of those reforms are underway, and I would not hope, and I hope we do not react in the wrong way.

But I would say also I think the way to address many of these wrongs is to put a cap on the budget, to freeze that spending at a level where we have to freeze out some of the unnecessary programs, much of the waste, and then it will be this body's responsibility to be sure that the meaningful programs are not the ones that are thrown aside and the useless programs that are kept in there.

□ 2000

You make a very good point there. I am an advocate of that very same idea.

Mr. GINGRICH. Let me in closing pick up on the point made by my friend from Georgia on which he has focused. We have in the next few days a chance in the Congress to pass the Gramm-Mack proposal to bring spending under control, to set a 5-year legal path, not a resolution, not a hoax, not a wish, but a legal path which would require us to move step by step each of the next 5 years to a balanced budget. I think it is the most serious, the most optimistic, the most hopeful opportunity we have had to move toward a balanced budget in the 7 years I have been here.

I think it is vitally important that this House be given a straight up-or-down vote, and I think and hope that the American people will see in this struggle over the next 3, 4, 5 days real opportunity to have a direct impact on their Congressman or Congresswoman to make a real difference in reaching out and saying, "Now is the time to get spending under control. Now is the time to move toward a balanced budget."

I thank the Speaker.

#### ARMS CONTROL NEGOTIATIONS "HOPEFUL"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 10 minutes.

Mr. RAY. Mr. Speaker, during the recent recess I accompanied the arms control and disarmament panel on a 4-day trip to the sites of ongoing arms control negotiations. Our visit was enlightening and informative, and I would like to report to my colleagues on my observations on the current state of our arms control talks.

In Geneva, our panel met with Ambassador Max Kampelman, who heads the U.S. delegation on nuclear and space arms negotiations; Ambassador John G. Tower, chief negotiator on strategic nuclear arms reduction; and Ambassador Maynard Glitman, chief

negotiator on intermediate-range nuclear forces reduction.

In Vienna, we met with Ambassador Kenneth Blackwill, the U.S. negotiator for the mutual and balanced force reduction talks [MBFR].

After meeting with our negotiators and their staffs, Mr. Speaker, I am confident that we have capable and knowledgeable people representing the United States at the negotiating table.

The talks in Geneva began in January 1985, and entered their third round on September 19. Ambassadors for both the strategic arms reduction talks [START] and the intermediate-range forces talks [INF] expressed hope that the talks would eventually lead to progress in making substantial nuclear arms reductions in both of these important areas.

But, there are serious differences still between our position and the Soviets.

I am convinced that we are pursuing the correct approach with the Soviets at this point. Our commitment is to reducing or eliminating the tremendous stockpiles of offensive weapons, and moving our countries toward defensive deterrent forces. We have not been able to move the Soviets toward a position of compromise on this issue in the past.

However, the new proposals for reduction that General Secretary Gorbachev has announced that he will put on the table will be welcomed, I am sure, by our negotiators. One of their concerns has been that, too often, the Soviets publicly speak of reduction offers or proposals, but never actually put those proposals on the table in Geneva so they can be discussed. There is a possibility that other differences could be worked out if the Soviets put these new proposals forward in Geneva for serious negotiations.

Another point of serious contention between the United States and the Soviet Union is the strategic defense initiative. I firmly believe that this program is the reason the Soviets have returned to the negotiating table.

They are concerned that our country's advanced technology will enable us to create a defensive system which they have been trying unsuccessfully to produce. The key point of contention we now have with the Soviets on SDI is how far we can go and still be in a research phase as defined by the 1972 Antiballistic Missile [ABM] Treaty with the Soviet Union.

The Soviets want to define research as only designing and drawing up plans in a laboratory. Research to me goes a lot farther, because you have to do some designing and some levels of testing to advance your research.

But, since most research is done in a laboratory and is therefore not verifiable, we should look at reaching agreements on those areas that can be veri-

fied. There's no point in making agreements if verification isn't possible.

Somewhere between drawing plans and actual production is the line where research ends and final testing and production begins. That's a central point that we have to iron out with the Soviets on this issue.

I think we should continue with research on SDI, although I don't support extravagant funding levels for this project.

The MBFR talks in Vienna have been going on for 12 years, in an attempt to reduce the levels of conventional forces—troops, aircraft, artillery—of the Eastern and Western alliances in central Europe.

There are a number of issues that continue to separate the two sides, even after all these years. Primarily these issues are verification, redeployment distances, and disagreement over troop and weapons counts.

First, our country and NATO cannot agree to any reduction proposal unless each side can verify that the other is adhering to the agreement. This means onsite inspections, something the Soviets have so far refused to agree to.

Second, redeployment becomes a U.S. concern because if we withdraw our forces from Europe, that means back to the United States, 3,000 miles away. The Soviets, however, would only have to pull theirs back beyond the Eastern bloc countries—300 miles. Redeployment for them would be only a matter of hours, where it would be days for us.

Third, there is considerable disagreement over the number of troops and weapons each side has. Specifically, we disagree over whether the forces in East Germany, West Germany, Poland, Czechoslovakia, Belgium, the Netherlands, and Luxemburg should be included. All of these differences, and others are in contention in Vienna.

Many people wonder, Mr. Speaker, why we keep negotiating when, after 12 years, we've made very little progress. The answer is that it is vital that our two countries maintain a dialog. Not only is there the chance of progress, but the talks provide us with an ongoing forum where both countries can turn when a serious arms reduction proposal is made. If Mr. Gorbachev and President Reagan do make progress toward arms control in their November meeting, we already have the machinery in place to continue hammering out an agreement.

Considering that we are talking about ways to reduce the most destructive arsenals ever created in the world's history, I would say that anything we can do to keep the lines of communication open is a positive move.

#### THE ART OF (AND THE LACK OF) COMMUNICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. SWINDALL] is recognized for 60 minutes.

Mr. SWINDALL. I thank the Speaker.

Mr. Speaker, I am reminded, as I complete my ninth consecutive month in Congress, of one of the last cases that I had before I took a leave of absence from my law practice to come to this body.

There was a lady that came to my office who wanted a divorce, but before I talked with her about the divorce I decided that it might be helpful if I found out if she had grounds for divorce.

So I asked her if in fact she had grounds, and she looked at me and said, "Yes, as a matter of fact about an acre and a half."

I looked at her, and I said, "Perhaps I am not communicating well. Let me try again."

I then asked her if she had a grudge, and she looked, and she said, no, she did not have a grudge, but she did have a double carport.

I said, "Let me try this one more time a little bit more to the point. I said, 'Does your husband beat you up in the morning?' She said, 'No. Generally I get up earlier than he does.'"

At that point I began to recognize I was going to have to try a different tack entirely, and I said, "Ma'am, let me ask you, are you sure you really want a divorce?" She said, "No. Actually I don't want a divorce at all. It's my husband who wants a divorce. He contends that we have difficulty communicating."

□ 2010

I believe this House of Representatives, because of its actions over the course of the last 9 months, has given the American people reason to believe that we have difficulty hearing them and they have difficulty communicating with us, because in November of 1984 there was a resounding statement made by the American people, and that was they were fed up with deficit spending and they wanted some type of responsible course of action taken by this House of Representatives.

I came into this body optimistic that, finally, my colleagues were determined to do something about it. In the last 9 months we have talked more about South Africa than we have our own budget. One of my colleagues heard me make that statement earlier today and was distraught over it and came to me and said, "I am distraught that you would attack South Africa that way when in fact the deficit and South Africa have nothing to do with one another." I said, "You misunderstand my point. I am not in any way demeaning the issue of South Africa. I

am simply saying that it tells you something about the misplacement of priorities when we cannot at least spend as much time discussing how we are going to address the deficit as we have South Africa. South Africa is an issue that, at best, we can marginally affect. The deficit is something we most certainly affect completely."

Even if you ignore the fact that we spend, in my judgment, far too little time addressing the budget itself, I think it is important to look at the fact that we have no intention in this body of following our own budget. If we had any intention of following our own budget, there would be no necessity for all of the arguments that I heard during the 1-minute speeches today about the impact of the Gramm-Mack bill that I am here to talk about tonight. I heard one of my colleagues from Colorado come up with a fancy chart that showed that the deficit under the Reagan administration was enormously larger than the deficit under any other administration. She attributed it to defense. I would like, before I talk about the Gramm-Mack bill, for just one moment to destroy that myth once and for all.

I will grant you that we spend money on defense that is being wasted. But I will further state that we are taking, I think, enormous and extraordinary measures to make certain that we correct those mistakes.

But let us not blame the deficit that we now have on either our President or on the defense budget. In fact, before coming here tonight, I picked up a copy of the historical tables, budget of the U.S. Government, prepared by the Executive Office of the President, Office of Management and Budget. I picked it up because there are some figures that I think are very, very relevant to our discussion.

In 1961, our country appropriated 9.7 percent of our total GNP to defense expenditures. That was 50.8 percent, almost 51 percent of the total budget. It spent at that time 8.8 percent on nondefense or 47.8 percent of the total budget.

In 1968 we spent 9.9 percent of our gross national product on defense, 46 percent of the budget. We spent 11.6 percent on nondefense, in terms of percentage of GNP, and 54 percent of the total budget on nondefense.

In 1982 we spent 6.1 percent of GNP on defense or 24.9 percent of the total budget. That same year we spent 18.4 percent of the GNP on nondefense or 75 percent of the total budget.

In 1984, last year, we spent 5.9 percent of gross national product on defense, 26 percent of the budget.

I mention that because this body is a master at comparing apples and oranges. It is all done with mirrors and tricks, and I think the American people are fed up with it.



We all know that the only way you can make any type of fair comparison between different budgets is to look at percentages of our total income. For example, when I first graduated from the University of Georgia, my first apartment that I shared with three other individuals cost less than \$300 a month. Today that same apartment would undoubtedly cost closer to \$700 a month in the same market. Does that mean that my apartment expenditures and housing expenditures went up? Of course it does. But the more relevant question is: In terms of percentage of income, did it go up? And chances are, you will find, as I found in my own illustration, that it was roughly the same. The percentage of my income which was in 1975 \$15,000 was about the same as it is today, in terms of the percentage that Congressmen make, and I think we make \$75,000 a year, and my housing here in Washington costs about \$1,500 a month. So it is probably roughly the same.

Let us use those same types of illustrations, though, to look at our defense budget, and you will find that the only way you can do it is to look at the percentage of our entire income.

In 1961 we were spending 9.7 percent. That was under the Kennedy administration. In 1968, under the Johnson administration, we spent almost 10 percent of GNP on defense. It was 9.9 percent, 50 percent of the total budget.

Now, let us look at President Reagan's administration, in terms of defense. In 1982, the first year that he had any ability to affect that budget, 6.1 percent or 24 percent of the total budget.

The next year it was 5.9 percent.

So in fact it is almost half, in terms of what our total income was. And I say that because it is obvious that if we have a deficit that is now approaching \$200 billion—in fact, it is over \$200 billion—a year, it cannot be attributed to defense. If you look at the other side of the ledger, though, you can find very rapidly where it is being accumulated.

Nondefense, under the Kennedy administration, was 47.8 percent, almost 48 percent of the total budget.

Under the Johnson administration, nondefense was 54 percent of the total budget.

Under the Reagan administration, it is 74 percent of the total budget.

Is it not interesting that the same individuals that chastise our President for this humongous defense buildup, that we now find out in terms of relative comparison is substantially less than it was under the Kennedy and Johnson administrations, are now criticizing our President for trying to make cuts in the nondefense area, the entitlement programs.

You cannot have it both ways.

Let us look a little further. Another individual came up today, in fact, several people did, and I do not fault them for it because I think it is probably a fair analysis, and they said that under the Gramm-Mack amendment that would force us to live by our budget resolution, veterans would inevitably take it on the chin. I think they are right. I think they will take it on the chin along with every other group that expects to get a cost-of-living adjustment under the budget that we set forth.

You see, our budget basically said that we would "live by the following guidelines." Included in those guidelines were expenditures for veterans, expenditures for Federal employees and cost of living adjustments.

My question to my colleagues that are concerned about those individuals is: If we expect to live by the budget that we passed in August, we really need not be concerned about ever adversely impacting the veterans or the Federal employees or anyone else who expects the cost of living adjustment that was voted on by this body in our budget.

The reason they are upset is, though, they know good and well that this body has no intention to live by the budget. The tragedy of that is, we use the budget process to manipulate people into believing that we spend their money responsibly. The bottom line is, there has never been any intention by my colleagues or the majority of my colleagues to live by those budget figures. In fact, what they do year after year after year is come back, after understating the budget, and then ask for supplemental appropriations.

We will never get a handle on the deficit until we recognize that it is not the budget that causes the deficit. Rather, it is the appropriations process. When we spend the money, that is when we create the deficit. All in the world that the Gramm-Mack bill says is, we stated to the American people in August, when we passed our budget, that we would achieve a deficit of \$179.9 billion, substantially less than the baseline, about \$56 billion less than the baseline. It was the first step in a multistep process to ultimately balance the budget.

All the Gramm-Mack bill says is: Live by it. All it says is: Do not continue to defraud the American people by parading these budget figures by them one year and then coming in very deceptively and supplementing that budget.

□ 2020

We just spent a good deal of time and are continuing to spend time on the farm bill. If my memory serves me correctly, our budget said that we will spend \$18.9 billion this year on the farm bill. I will guarantee you there is

no intention to live within those guidelines. What they will do next year is exactly what they did this year: They will come back and supplement that budget so that we, in essence, create an even larger deficit.

I came here tonight to talk about this subject because I can think of no better time and no better place to address the deficit than at the moment that the Senate is going to vote to raise the debt ceiling to \$2 trillion-plus. Many of you are probably thinking that it was not that long ago that you remember a \$1 trillion debt ceiling. Well you are exactly correct. Five years ago this body and the Senate voted to raise the debt ceiling to \$1 trillion. We are now doubling that because we have reached that point where literally it begins to double almost geometrically, if for no other reason because of the interest load. The interest load next year is estimated to be over 15 percent of the total budget.

If you go back to the Johnson and Kennedy years, you will find it was closer to 6 percent. It will continue to mushroom if we do not get a handle on what is basically the debt to increase. As my colleagues earlier pointed out, what is causing the debt to increase are the deficits which are caused by spending.

There was an interesting article recently in the Wall Street Journal that I think put its finger right on the problem. They pointed out the fact that the last time that we balanced the budget, in 1969, we were spending about 19.5 percent of what we all earned. That is, 19.5 percent of GNP. Today, we spend about 25 percent. If you want to address the deficit situation, you must first understand what causes it. What has caused it has not been the tax cut. What has caused it has been the continued increases in spending, and certainly not the defense spending.

The beauty of the Gramm-Mack bill is that it does not get into specifics with respect to how we must achieve our deficit reduction targets. What it does say is though if we cannot present a plan, there will be a plan that is already built into the Emergency Deficit Control Act that will simply say this is the way it must be done. It will force this body to finally do something.

Incidentally, by way of an aside, I think it is right interesting that this all had to start on the Senate side. Many of you are probably wondering why has not the House this year voted to raise the debt ceiling? If the Senate has it incumbent upon it to raise the debt ceiling, must not the House also act on it?

Well, the reason we do not have to vote for it is another one of these sleight-of-hands that has been built

into the appropriations and budget process. What happens is the day that we vote for the continuing resolution on the budget, we automatically raise the debt ceiling. It does not take long to figure out why we do it that way. We do not want to face the American people and vote up or down on raising the debt ceiling. It is much easier to do it in a clandestine fashion. To do it by voting on your budget, and then automatically letting the budget conform.

The Senate, on the other hand, at least has the guts to come forth and debate this issue. It is my hope and my sincere desire that the Senate will in fact adopt the Emergency Deficit Control Act, or what I have been calling the Gramm-Mack bill, because it will finally, as my colleagues earlier stated, bring to this body the opportunity to decide if the budget process means anything, and whether in fact they have any intention whatsoever, any intention whatsoever, to even move in the direction of a balanced budget.

As I mentioned earlier, my colleagues came forth today ready to heap the blame on President Reagan; ready to heap the blame on anyone but themselves. In reality, there is only one body under our Constitution that can even begin to address this problem, and that is Congress. The President can propose budgets but the President cannot spend money. As I mentioned earlier, there is a spending process that causes the problem.

My colleague from Georgia [Mr. GINGRICH] earlier pointed out, in I thought a very graphic fashion, why we have been unsuccessful thus far in terms of the specifics of even moving toward the direction of balancing the budget. He used the example of our own House budget. I would like to take one of those illustrations, and that was the illustration of the automatic elevator, to give you new insights into why we have deficits.

As we were debating, in fact it was in this exact position that we were debating that vote, I had made the argument that the very minimum the American people should expect from Congress is that if we are going to continue to waste hours and hours and hours talking about deficit reduction, the very least we could do is set a personal example. What better place than in our own House budget? Certainly what better place than on the vote to add 5 automatic elevator operators; nonessential employees.

At that point, a lady from Ohio stood and asked me if she could counter me on that point, and I said I would be happy if she did. She went into a diatribe about defense waste and waste and fraud in the defense budget. I looked at her and I said, "It seems to me that we are comparing apples and oranges." What does waste in defense have to do with whether or

not we hire automatic elevator operators?

I think that right there is the essence of the problem. This group of individuals are so accustomed to diverting attention from the real problem that sometimes I think, in all sincerity, they cannot see the problem. But I do have a whole new understanding of why we have this unprecedented deficit. That is this: Apparently at least a majority of the Members of this body believe that it is incumbent on them, as incumbent Members of this House, every time they find waste and abuse and fraud in any aspects of the budget, to duplicate it elsewhere. Once you understand that mentality, you will begin to understand why we have had absolutely no success whatsoever in addressing the problem of deficit reduction.

The Gramm-Mack bill would essentially not only address 1986, but it would also address 1987, 1988, 1989, 1990 and 1991. I would suggest to you that unless we gradually move in the direction of balancing the budget, we will never have a balanced budget. I for one have cosponsored a number of bills that would constitutionally mandate a balanced budget. In addition to that, I have offered my own bill that would cause a constitutional requirement to balance the budget. In fact, the bill that I have sponsored is very similar to the Gramm-Mack bill in that it requires it to be done over a 5-year period of time.

The reason that I am supporting the Gramm-Mack bill at this point is that it is fairly obvious that irrespective of how many individuals in this country want a balanced budget amendment, they are not likely to see one in time to address the real problem. I do not think we can afford to wait 4 or 5 more years. I just mentioned that we just had the national debt double in the last 5 years, I suspect that it will double once again in the next 5 years, and then again and again, and again. We cannot afford the interest load on that. We will soon have the interest load in our budget literally exceeding any other aspect of the budget. Now it is 15 percent of the budget, the defense is slightly over 25 percent of the budget.

□ 2030

At the rate we are going, it will soon cost us more to pay interest than it does to defend this country, one of the first and foremost purposes of government.

The Gramm bill would simply say that in 1986 you must meet the deficit reduction target that you have already said you want to meet. Why in the world would anybody be upset about that? Why do we not simply vote for it?

By the same token, it says that for the next 3 or 4 years you must reduce

by \$36 billion per year until you level out in 1991 with a balanced budget.

I suspect that the real reason we are seeing all of this concern and consternation about balancing the budget is this. I suspect my colleagues recognize that the real power of the House of Representatives is not in the various votes that we make that you see totaled up here on the board, but rather it is in the power of the Appropriations Committee and the Rules Committee, because the way this House operates is that each bill goes into the appropriation process; that is, for spending money, and then the Appropriations Committee will pair off various spending measures. They will put in a dash of something that I could support and then a dash of something that I cannot support in the hope that by the time the whole package comes together individuals like myself will be confronted with a dilemma that quite simply they must vote for something say like Social Security, but they do not want necessarily to vote for something else that we think is wasteful spending.

Well, you might say to yourself, if that is the case, why not simply amend the bill so that you do not have to vote for what you disagree with.

For example, there was a recent supplemental bill that had the Legal Services Corporation, with which I totally disagree; it is the biggest boondoggle that probably ever has been perpetrated upon the American people, and it was mixed in with Contra funding, which I happen to agree with completely. I ultimately had to vote against the bill because I just simply could not bring myself to vote for the Legal Services Corporation and, regrettably, because of the rule that was passed in the Rules Committee and then passed here in the House we were not even allowed to amend it in any way.

They understand that under a balanced-budget procedure we would then begin to have to be fiscally responsible and eventually the Appropriations Committee and the Rules Committee would lose their power or at least a part of it.

I suspect they are also a little bit concerned because they recognize the fact that the American people are beginning to bring a great deal of pressure on deficit reduction. They are tired of people talking about it and then not voting consistently with it; so obviously, if they can ever avoid having to have the vote even come on the floor of the House, they can avoid that ultimate embarrassment, and we ought to be used to that by now, because if you will recall, a lot of people have talked about a line item veto. They say that a line-item veto would allow the President, who is being blamed for this deficit anyway, to at



least be able to go through and line item out those segments of any appropriation bill with which he differs.

Their smokescreen argument is that that is unconstitutional, that it would be an imbalance of power.

I would like to ask a question. How in the world can it be unconstitutional to give a President the power to do something with a sledge hammer that he cannot do with a scalpel?

You understand, the President may at any time veto an entire appropriation bill. He simply may not go in and take one line item with which he differs. If it is constitutional, which clearly it is, because it expressly so states in our Constitution, for the President to veto an entire package, it must necessarily and logically follow that it is equally constitutional for him to be able to veto any line item.

What is even more interesting under the bill proposed by my friend and colleague, Senator MACK MATTINGLY of Georgia, it would only be on a 2-year trial basis. Every 2 years the two bodies, the House and the Senate, must once again approve it and the President must sign it. It is the same basic argument.

My colleagues do not want the American people to know what kind of waste and fraud and what-have-you we are basically perpetrating through this appropriation process, that it literally takes five accountants to go through to figure out what we spent money on.

Can you imagine what would happen if suddenly the President came in and was able to line item off some of the extraordinary measures, the pork barrel that we see all the time, and then we had to once again come into this body and vote and then every one's name on this big board would show whether they are for or against that pork barrel? I suspect we would begin to see the total elimination of pork barrel, which would ultimately lend or lead to the total elimination of deficits.

In conclusion, I think that it is fairly obvious that this week may well be a very historic week. It will be a week where we have an opportunity to basically look squarely into the eyes of our constituents and say that when we ran in November of 1984 for election to this body, promising that we would do something about the deficit, that we were not misleading those people, that we would come into this body and vote consistently with those promises.

I have yet to meet a single individual that has told me that they were elected promising deficit spending, so this is their opportunity.

Even more important, though, will be the issue of whether we even vote on that issue. One of the great tragedies of the way the House does business is that many of the most relevant and burning issues of our time are never even debated on the floor of the

House. They are never debated because they understand that the American people in fact want something that is vastly different than what this House is doing.

It is very apparent that we are having a great deal of difficulty, the American people are, in communicating with the Members of this House.

I hope and I pray that this week, not for our sakes so much as for our children and their children's sake, this Congress will at least for once show the intestinal fortitude to vote for the Emergency Deficit Control Act, so that by 1991 we will see once and for all a balanced budget.

#### QUITTING THE WORLD COURT DRIVES A STAKE INTO THE HEART OF THE RULE OF LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, the announcement today by the administration of its decision to terminate U.S. acceptance of the compulsory jurisdiction of the International Court of Justice must be considered troubling for a society committed to the rule of law.

The most fundamental issues of world politics today are, in the first instance, how we contain and constrain weapons of mass destruction, and in the second, how we can best advance the rule of law. To refuse any longer to submit political disputes to the World Court and abide by arbitration decisions of that body is to drive a stake into the heart of the rule of law. It symbolizes a retreat from post-World War II U.S. commitments to international law and international organizations.

The administration appears, by choice, to have abandoned the high ground and decided to advance foreign policy objectives on a lower playing field. By quitting the Court, the administration has joined the mob that political philosophers since Hobbes and Locke have defined as a state of nature. Civilized society requires law and third party arbitration. Rules without judges are meaningless. They stimulate uncivilized behavior and in the nuclear age jeopardize civilization itself.

Adherence to the rule of law should be the touchstone that distinguishes democracies from politically repressive systems of the left and right. We should never, by our disdain for international law, give totalitarian and authoritarian societies excuses for rationalizing acts of terrorism or other illegal conduct.

Few governments have armies that can stand up to the awesome military capabilities of the nuclear powers. But in the area of terrorism small auto-

cratic states can compete on equal, and in some cases stronger, footing because acts of a terrorist nature are usually less acceptable in democratic societies. Accordingly, democratic governments like our own have a vested interest in conforming their foreign policies as pristinely as possible to international law.

The administration's decision today lowers the United States to the level of international scofflaw. If the United States cannot fight by the rule of law, our Government must protect our national interest by relying more exclusively on the premise that might makes right, that military power rather than adherence to law advances best America's values.

Today's decision cannot be viewed in a vacuum. It must be appraised against the backdrop of other decisions by the administration to withdraw from the jurisdiction of the World Court in cases involving Central America, to torpedo the Law of the Sea Treaty, to abandon UNESCO, and to stand increasingly alone, voting "no" without support from friend or foe on any number of issues before the United Nations and its affiliated agencies.

The ideological wagons appear to be drawing in a tighter and tighter circle around the White House. Neither the views of Congress nor a decent respect for the opinions of mankind seem to matter.

Unfortunately legal isolationism is not an abstract concern. It could not more ill-suit the times nor ill-suit history. The reality is that the United States will never again claim as great a percentage of the world's economic and military might as it did at the end of World War II. Security in the 20th century cannot be unilaterally achieved. It cannot be realized by building walls around our country, by turning away from international organs of cooperation, and relying on arms to press our will on others.

Security in the 20th century demands a credible defensive capability, but in the final measure it also demands a decent respect for the rule of law. An ethnocentric foreign policy that narrows international law is out of sync with reality. It is expensive, spiraling the arms race. A foreign policy that advances the rule of law is not only saner; it is cheaper than "Fortress America" isolationism.

Accordingly, with the gentleman from Ohio [Mr. SEIBERLING] and the gentleman from New York [Mr. McHUGH] I have today introduced a resolution deploring the administration's cavalier decision to uproot four decades of American foreign policy. Senator HATFIELD has introduced similar legislation in the other body. I urge my colleagues to give it their most serious consideration.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RINALDO (at the request of Mr. MICHEL), for today, on account of official business.

Mr. McCANDLESS (at the request of Mr. MICHEL), for today and Tuesday, on account of attendance at the International Monetary Fund Conference in Seoul, Korea.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STRANG) to revise and extend their remarks and include extraneous material):

Mr. WALKER, for 60 minutes, today

Mr. LEACH of Iowa, for 60 minutes, today

Mr. SWINDALL, for 60 minutes, today

Mr. MACK, for 60 minutes, on October 8.

Mr. PURSELL, for 60 minutes, on October 8.

Mr. PASHAYAN, for 60 minutes, on October 8.

Mr. IRELAND, for 5 minutes, on October 9.

Mr. ECKERT of New York, for 5 minutes, on October 9.

Mr. SUNDQUIST, for 60 minutes, on October 10.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous materials):

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PEASE, for 5 minutes, today.

Mr. GRAY of Pennsylvania, for 5 minutes, today.

Mr. RAY, for 10 minutes, today.

Mr. WEISS, for 30 minutes, on October 8.

Mr. PEASE, for 5 minutes, on October 8.

Mr. PEASE, for 5 minutes, on October 9.

Mr. PEASE, for 5 minutes, on October 10.

Mr. OBEY, for 60 minutes, on October 7.

Mr. OBEY, for 60 minutes, on October 8.

Mr. OBEY, for 60 minutes, on October 9.

Mr. OBEY, for 60 minutes, on October 10.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FUSTER, prior to the vote on the Emerson amendment to H.R. 2100, in the Committee of the Whole, today.

Mr. BEREUTER, preceding the vote on the Tauke amendment to H.R. 2100, in the Committee of the Whole, today.

Mr. TRAXLER, following the rollcall vote on the beekeeper indemnity amendment offered by Mr. FRANK to H.R. 2100 in the Committee of the Whole, today.

Mr. BEREUTER, preceding the vote on the Badham amendment to H.R. 2100, in the Committee of the Whole, today.

(The following Members (at the request of Mr. STRANG) and to include extraneous matter:)

Mr. NIELSON of Utah.

Mr. CONTE in two instances.

Mr. OXLEY.

Mr. GEKAS.

Mr. BARTON of Texas in four instances.

Mr. GALLO in four instances.

Mr. WHITEHURST.

Mr. CRANE.

Mr. DORNAN of California.

Mr. LAGOMARSINO in two instances.

Mr. COURTER.

Mr. HYDE.

Mr. KOLBE.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. SOLARZ in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. HAMILTON.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. YATRON.

Mr. GARCIA in three instances.

Mr. NATCHER.

Mr. MARKEY.

Mr. FASCELL in two instances.

Mr. FAUNTROY.

Mr. COLEMAN of Texas.

Mr. WIRTH in two instances.

Mr. MARTINEZ.

Mr. LELAND.

Mr. BOLAND.

Mr. TORRES.

Mr. MILLER of California.

Mr. DOWNEY of New York.

Mr. BONIOR of Michigan.

Mr. WILLIAMS.

Mrs. BOGGS.

Mr. MATSUI in two instances.

Mr. DYMALLY in two instances.

Mr. COYNE.

Mr. RODINO.

Mr. ACKERMAN in two instances.

Mrs. BOXER.

Mr. HUBBARD.

Mr. LEHMAN of California.

Mr. TORRICELLI in two instances.

#### SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 274. An act to provide for the national security by allowing access to certain Federal criminal history records; the committee on Interior and Insular Affairs.

S.J. Res. 97. Joint resolution designating the Study Center for Trauma and Emergency Medical Systems at the Maryland Institute for Emergency Medical Services Systems at the University of Maryland as the National Study Center for Trauma and Emergency Medical Systems; to the Committee on Energy and Commerce.

S.J. Res. 150. Joint resolution to designate the month of March 1986 as "National Hemophilia Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 174. Joint resolution to designate November 18, 1985, as "Eugene Ormandy Appreciation Day"; to the Committee on Post Office and Civil Service.

#### ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 393. Joint resolution to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a bill of the House of the following title:

On October 3, 1985:

H.R. 2475. An act to amend the Internal Revenue Code of 1954 to simplify the imputed interest rules of sections 1274 and 483, and for other purposes.

#### ADJOURNMENT

Mr. LEACH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 43 minutes p.m.) the House adjourned until Tuesday, October 8, 1985, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:



2097. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter Offer to Turkey for defense articles, pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

2098. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period November 1, 1985 to December 31, 1985, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

2099. A letter from the Deputy Assistant Secretary of Defense, transmitting notice that the Department of the Air Force intends to exclude the clause concerning examination of records by the Comptroller General from a proposed contract with the Ministry of Defense of the United Kingdom for the acquisition of the Rapiar Missile System for a cooperative air base point defense program for selected bases in Turkey, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

2100. A letter from the Chairman, Federal Home Loan Bank Board, transmitting the annual report of operations for 1984, pursuant to the act of July 22, 1932, chapter 522, section 17(b) (69 Stat. 640); to the Committee on Banking, Finance and Urban Affairs.

2101. A letter from the Interagency Committee on Cigarette and Little Cigar Fire Safety, transmitting a report on the technical and commercial feasibility and economic impact of developing cigarettes and little cigars with a minimum propensity to ignite furniture and mattresses, pursuant to 15 U.S.C. 2054 nt; to the Committee on Energy and Commerce.

2102. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification that El Salvador has been added as a potential participant in proposed antiterrorism assistance to a foreign country, pursuant to FAA, section 574(a)(1) (97 Stat. 972); to the Committee on Foreign Affairs.

2103. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed Letter of Offer to Turkey for defense articles, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2104. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2105. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the political contributions by Joseph Ghougassian, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2106. A letter from the Commissioner of Examinations, Immigration and Naturalization Service, transmitting a copy of the order granting defector status in the case of an alien who has been found admissible to the United States, pursuant to INA, section 212(a)(28)(1)(ii)(b) (66 Stat. 182); to the Committee on the Judiciary.

2107. A letter from the Jewish War Veterans, U.S.A., National Memorial, Inc., transmitting the report and financial audit for fiscal year ended March 31, 1985, pursuant

to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

2108. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting a global assessment of food production and needs, and planned programming of food assistance for fiscal year 1986, pursuant to the act of July 10, 1954, chapter 469, section 408(b) (91 Stat. 552; 94 Stat. 2246; E. O. 11963); jointly, to the Committees on Agriculture and Foreign Affairs.

2109. A letter from the Comptroller General, General Accounting Office, transmitting a report entitled: "Reviews of the Audits of the Financial Statements of the National Credit Union Administration's Operating and Share Insurance Funds for the Year Ended September 30, 1983", pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2110. A letter from the Comptroller General of the United States, transmitting a report on the Strategic Petroleum Reserve: "An Overview of its Development and Use in the Event of an Oil Supply Disruption" (GAO/RCED-85-134; September 30, 1985); jointly, to the Committees on Government Operations and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS, Committee on Government Operations, Federal Enforcement of Textile and Apparel Import Quotas (Report 99-305). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. GEKAS, Mr. EDWARDS of California, Mr. BERMAN, Mr. BOUCHER, Mr. BRYANT, Mr. RODINO, Mr. FISH, and Mr. McCOLLUM):

H.R. 3511. A bill to amend title 18, United States Code, with respect to certain bribery and related offenses; to the Committee on Judiciary.

By Mr. BIAGGI:

H.R. 3512. A bill to amend title XVIII of the Social Security Act to authorize the President to enter into reciprocal agreements for health care services furnished to medicare beneficiaries outside the United States; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. CONTE (for himself and Mr. BARNES):

H.R. 3513. A bill authorizing the President of the United States to present a gold medal to Sargent Shriver, and authorizing the Secretary of the Treasury to sell bronze duplicates of that medal; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DYMALLY (for himself and Mr. BROWN of California):

H.R. 3514. A bill to establish a U.S. Design Council within the Department of Commerce; jointly, to the Committees on Sci-

ence and Technology, and Energy and Commerce.

By Mr. WYLIE (for himself, Mr. ST GERMAIN, Mr. BARNARD, Mr. BARTLETT, Mr. BEREUTER, Mr. CARPER, Mr. CHANDLER, Mr. COOPER, Mr. DREIER of California, Mr. ERDREICH, Mr. FRANK, Mr. GONZALEZ, Mr. GORDON, Mr. GROTEBERG, Mr. KLECZKA, Mr. KOLBE, Mr. LAFALCE, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. McCOLLUM, Mr. MCKINNEY, Mr. McMILLAN, Mr. NELSON of Florida, Ms. OAKAR, Mr. PARRIS, Mrs. ROUKEMA, Mr. VENTO, Mr. WORTLEY, Mr. WRIGHT, Mr. MICHEL, Mr. LOTT, Mr. LAGOMARSINO, Mr. CHENEY, Mr. LEWIS of California, Mr. VANDER JAGT, Mr. BROOMFIELD, Mr. CHAPPEL, Mr. CONTE, Mr. CRAIG, Mr. DEWINE, Mr. FRENZEL, Mr. GINGRICH, Mr. GRADISON, Mr. HYDE, Mr. IRELAND, Mr. KASICH, Mr. MCCAIN, Mr. McEWEN, and Mr. SAXTON):

H.R. 3515. A bill to eliminate foreign predatory export credit practices, establish a tied aid credit facility, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FAUNTROY:

H.R. 3516. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to facilitate the issuance of bonds and notes by the District of Columbia, and to authorize a formula-based annual Federal payment to the District; to the Committee on the District of Columbia.

By Mr. FRANK:

H.R. 3517. A bill to amend title 3 of the United States Code to authorize the Secretary of State to provide protection for foreign diplomats in the United States in extraordinary circumstance; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 3518. A bill to amend title 18 of the United States Code to allow the transportation and mailing of material concerning lotteries authorized by State law, and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. KASICH:

H.R. 3519. A bill to provide access to criminal history record information for national security purposes for the Department of Defense, the Office of Personnel Management, or the Central Intelligence Agency; jointly, to the Committees on Armed Services, Post Office and Civil Service, the Judiciary, and the Permanent Select Committees on Intelligence.

By Mr. MACK (for himself, Mr. BARTON of Texas, Mr. ARMEY, Mr. BARTLETT, Mrs. BENTLEY, Mr. BEREUTER, Mr. BLILEY, Mr. BOEHLERT, Mr. BOULTER, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CHANDLER, Mr. CHENEY, Mr. CLINGER, Mr. COBEY, Mr. COBLE, Mr. COLEMAN of Missouri, Mr. COMBEST, Mr. COUGHLIN, Mr. COURTER, Mr. CRAIG, Mr. DAUB, Mr. DELAY, Mr. DEWINE, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. EDWARDS of Oklahoma, Mr. FAWELL, Ms. FIEDLER, Mr. FIELDS, Mr. FISH, Mr. FRANKLIN, Mr. FRENZEL, Mr. GALLO, Mr. GINGRICH, Mr. GOODLING, Mr. GRADISON, Mr. GREGG, Mr. GROTEBERG, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HENRY, Mr. HOPKINS, Mr. HUNTER, Mr. HYDE,

Mrs. JOHNSON, Mr. KASICH, Mr. KEMP, Mr. KINDNESS, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LATTI, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOTT, Mr. LUJAN, Mr. MCCAIN, Mr. McCANDLESS, Mr. MCCOLLUM, Mr. McEWEN, Mr. McKERNAN, Mr. McKINNEY, Mr. McMILLAN, Mrs. MARTIN of Illinois, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MONSON, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PARRIS, Mr. PURSELL, Mr. QUILLEN, Mr. RIDGE, Mr. RITTER, Mr. ROEMER, Mr. ROGERS, Mr. ROTH, Mrs. ROUKEMA, Mr. ROWLAND of Connecticut, Mr. RUDD, Mr. SAXTON, Mr. SCHAEFER, Mrs. SCHNEIDER, Mr. SCHUETTE, Mr. SENSENBRENNER, Mr. SHAW, Mr. SILJANDER, Mr. DENNY SMITH, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. STANGELAND, Mr. STRANG, Mr. SUNDQUIST, Mr. SWINDALL, Mr. TAUKE, Mr. TAUZIN, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALKER, Mr. WEBER, Mr. WORTLEY, Mr. WYLLIE, Mr. ZSCHAU, Mr. LUNGREN, Mr. TAYLOR, and Mr. LOWERY of California):

H.R. 3520. A bill to require a graduated reduction of the Federal budget deficit, to balance the budget, to establish emergency procedures to avoid deficit overages, and for other purposes; jointly, to the Committees on Government Operations, and Rules.

By Mr. LATTI:

H.J. Res. 415. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or a national emergency declared by the Congress; and to provide for the systematic repayment of the national debt; to the Committee on Judiciary.

By Mr. LOWERY of California:

H.J. Res. 416. Joint resolution disapproving the deferral of certain budget authority for the Urban Mass Transportation Administration; to the Committee on Appropriations.

By Mr. FORD of Michigan (for himself, Mr. SUNIA, Mr. FEIGHAN, Mr. PERKINS, Mr. DASCHLE, Mr. DWYER of New Jersey, Mr. HAYES, Mr. HORTON, Mr. LANTOS, Mr. FOWLER, Mr. FOLEY, Mr. DINGELL, Mr. HENRY, Mr. WAXMAN, Mrs. COLLINS, Mr. OWENS, Mr. HOWARD, Mr. MATSUI, Mr. ANDERSON, Mr. DAUB, Mr. McKERNAN, Mr. DE LA GARZA, Mr. FRANK, Mr. ROE, Mr. DYMALLY, Mr. MORRISON of Connecticut, Mr. SMITH of Florida, Mr. CROCKETT, Mr. BOUCHER, Mr. CHANDLER, Mr. KILDEE, Mr. FUSTER, Mr. YOUNG of Missouri, Mr. MURPHY, Mr. RAHALL, Mr. BERMAN, Mr. COLEMAN of Missouri, Mr. GILMAN, Mr. GAYDOS, Mr. ATKINS, Mr. SOLARZ, Mr. FUQUA, Mr. LaFALCE, Mr. CLAY, Mrs. BENTLEY, Mr. MOORHEAD, Ms. KAPTUR, Mr. ROSE, Mr. FAZIO, Mr. SABO, Mr. WEAVER, Mr. CONYERS, Mr. JONES of Oklahoma, Mr. WEISS, Mr. LEVIN of Michigan, Mr. MOLLOHAN, Mr. PANETTA, Mr. WILLIAMS, Mrs. BURTON of California, Mr. RODINO, Mr. DE LUGO, Mr. SAVAGE, Mr. MARTINEZ, Mr. HOYER, and Mr. BIAGGI):

H. Con. Res. 207. Concurrent resolution to recognize the 20th anniversary of the Higher Education Act of 1965 and reaffirm

its purpose; to the Committee on Education and Labor.

By Mr. LEACH of Iowa (for himself, Mr. SEIBERLING, and Mr. McHUGH):  
H. Con. Res. 208. Concurrent resolution deploring the intention of the United States to withdraw from the compulsory jurisdiction of the World Court; to the Committee on Foreign Affairs.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 431: Mr. WYLLIE.  
H.R. 844: Mrs. SMITH of Nebraska, Mr. BURTON of Indiana, Mr. BARNES, Mr. CROCKETT, Mr. MONSON, Mr. HUTTO, and Mr. CHANDLER.  
H.R. 1188: Mr. ROWLAND of Connecticut.  
H.R. 1207: Mr. ROE.  
H.R. 1569: Mr. WOLPE, Mr. LOWRY of Washington, Mr. COOPER, and Mr. FEIGHAN.  
H.R. 1684: Mr. NIELSON of Utah, Mr. FAZIO, Mrs. BENTLEY, Mr. SWIFT, Mr. SILJANDER, Mr. DeLAY, Mr. BURTON of Indiana, Mrs. MARTIN of Illinois, and Mr. BEREUTER.  
H.R. 1760: Mr. COBEY.  
H.R. 2342: Mr. MARTINEZ and Mr. LEVIN of Michigan.  
H.R. 2424: Mr. MRAZEK.  
H.R. 2440: Mr. BEVILL, Mr. PANETTA, and Mr. SHUMWAY.  
H.R. 2549: Mr. HUBBARD.  
H.R. 2557: Mr. LELAND, Mr. TRAFICANT, Mr. BROWN of California, Mr. PERKINS, Mr. MATSUI, and Mr. ATKINS.  
H.R. 2685: Mr. SUNIA.  
H.R. 2743: Mr. FEIGHAN, Mr. WEISS, Mr. EDGAR, Mr. MINETA, and Mr. SAVAGE.  
H.R. 2854: Mr. SOLARZ, Mr. MYERS of Indiana, and Mr. UDALL.  
H.R. 2866: Mr. KLECZKA.  
H.R. 2907: Mr. FOGLIETTA, Mr. NICHOLS, Mr. FROST, Mr. ROSE, Mr. LEVIN of Michigan, Mr. FASCELL, and Mr. JONES of North Carolina.  
H.R. 3042: Mr. CONYERS, Mr. RICHARDSON, Mr. DOWNEY of New York, Mr. BONER of Tennessee, Mr. DYMALLY, Mr. SCHEUER, Mr. LEHMAN of Florida, Mr. MARTINEZ, Mr. GRAY of Pennsylvania, Mr. WILLIAMS, Mr. RANGEL, and Mr. MATSUI.  
H.R. 3078: Mr. MARTINEZ.  
H.R. 3132: Mr. PORTER and Mr. DOWNEY of New York.  
H.R. 3263: Mr. SOLARZ and Mr. WEISS.  
H.R. 3296: Mrs. MEYERS of Kansas.  
H.R. 3357: Mr. GINGRICH, Mr. BLILEY, and Mr. COBEY.  
H.R. 3371: Mr. GINGRICH, and Mr. WHITEHURST.  
H.R. 3420: Mr. LIGHTFOOT, Mr. KINDNESS, Ms. KAPTUR, Mr. SILJANDER, and Mr. WORTLEY.  
H.R. 3438: Ms. KAPTUR, Mr. BOLAND, and Mr. ROTH.  
H.J. Res. 122: Mr. MATSUI, Mr. LEVIN of Michigan, Mr. DANNEMEYER, Mr. GILMAN, Ms. OAKAR, Mr. BURTON of Indiana, Mr. JACOBS, Mr. LIGHTFOOT, Mr. GROTEBERG, Mr. JEFFORDS, Mr. HEPTTEL of Hawaii, and Mr. MANTON.  
H.J. Res. 127: Mr. WORTLEY, Mr. CROCKETT, Mr. LELAND, Mr. MORRISON of Connecticut, and Mr. TORRICELLI.  
H.J. Res. 313: Mr. OXLEY.  
H.J. Res. 322: Mr. LEVINE of California.  
H.J. Res. 333: Mr. OWENS, Mr. ENGLISH, Mr. ROBERTS, Mr. CARPER, Mr. DARDEN, Mr. SILJANDER, Mr. SPENCE, Mr. TALLON, Mr. DERRICK, Mr. REID, Mr. MAZZOLI, Mr. WAXMAN, Mr. McCLOSKEY, Mr. YATES, Mr.

COYNE, Mr. FRANKLIN, Mr. EVANS of Iowa, Mr. BOUCHER, Mr. FRENZEL, Mr. HATCHER, Mr. YOUNG of Alaska, Mr. STRANG, Mr. DICKINSON, Mr. MANTON, Mr. SAXTON, Mr. FLORIO, Mr. GRAY of Illinois, and Mr. SCHUMER.

H.J. Res. 350: Mr. JEFFORDS and Mr. WEISS.

H.J. Res. 363: Mr. GEKAS and Mrs. MARTIN of Illinois.

H.J. Res. 381: Mr. DeWINE and Mr. REID.

H.J. Res. 386: Mr. DORGAN of North Dakota, Mr. COURTER, Mr. RUDD, Mr. COBEY, Mr. WORTLEY, Mr. WEISS, Mr. AKAKA, Mr. GRAY of Illinois, Mr. BARNARD, Mr. RAHALL, Mr. RITTER, Mr. CRANE, Mr. GUNDERSON, Mr. NATCHER, Mr. SOLOMON, Mr. PENNY, Mr. LEATH of Texas, Mr. HEFNER, Mr. UDALL, Mr. HUTTO, Mrs. MARTIN of Illinois, Mr. FUQUA, Mr. BROOMFIELD, Mr. YOUNG of Florida, Mr. CHAPPELL, Mr. KASICH, Mr. WYLLIE, Mr. MORRISON of Washington, and Mr. STARK.

H.J. Res. 407: Mr. MANTON, Mr. MURPHY, Mr. CHANDLER, Mr. ACKERMAN, Mr. PORTER, Mr. VANDER JAGT, Mr. ANNUNZIO, Mr. DYSON, Mr. UDALL, Mr. PEPPER, Mr. MRAZEK, Mr. FRENZEL, Mr. HANSEN, Mr. LAGOMARSINO, Mr. BONER of Tennessee, Mr. JONES of North Carolina, Mr. WORTLEY, Mr. CLAY, Mrs. BURTON of California, Mr. HORTON, Mr. DAUB, Mr. WEISS, Mr. SCHEUER, Mr. FEIGHAN, Mr. GARCIA, Mr. PARRIS, Mr. BEVILL, and Mr. LEVIN of Michigan.

H. Con. Res. 15: Mr. CHANDLER.

H. Con. Res. 117: Mr. PARRIS.

H. Con. Res. 176: Mr. STARK, Mr. HAYES, Mr. MITCHELL, Mr. DASCHLE, Mr. MATSUI, Mr. OBERSTAR, and Mr. GILMAN.

H. Con. Res. 194: Mr. WORTLEY, Mr. SHUMWAY, Mr. WEBER, and Mr. COBEY.

H. Con. Res. 201: Mr. REGULA, Mr. SMITH of New Jersey, Mr. ADDABBO, Mr. JEFFORDS, Mr. BRYANT, Mr. SCHEUER, Mr. GARCIA, Mr. TALLON, Mr. VALENTINE, Mr. BLILEY, Mr. LaFALCE, Mr. SOLARZ, Mr. ECKART of Ohio, Mr. YOUNG of Missouri, Mr. RANGEL, Mr. CHAPPELL, Mr. SCHUMER, Mrs. BENTLEY, Mr. FAZIO, Mr. MCCAIN, Mr. LUJAN, Mr. STAGGERS, Mr. SMITH of Florida, and Mr. CONYERS.

H. Res. 76: Mrs. MARTIN of Illinois, Mr. BARNES, Mr. DeWINE, Mr. TORRICELLI, Mr. SCHEUER, and Mr. WEBER.

H. Res. 154: Mr. TAUKE.

H. Res. 180: Mr. DeLAY, Mr. LIGHTFOOT, Mr. DREIER of California, Mr. MOORHEAD, Mrs. BENTLEY, and Mr. BOULTER.

H. Res. 194: Mr. MANTON, Mr. MOORE, Mr. PEPPER, and Mr. LEVINE of California.

H. Res. 260: Mr. KINDNESS, Mr. GINGRICH, Mr. WEBER, and Mr. HUGHES.

H. Res. 277: Mr. DeLAY, Mr. HUNTER, Mr. RUDD, Mr. BURTON of Indiana, and Mr. GINGRICH.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 313: Mr. WHITEHURST.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

227. By the SPEAKER: Petition of the Dawson County Commissioners Court, Lamesa, TX, relative to the Fair Labor



Standards Act; to the Committee on Education and Labor.

228. Also, petition of Milan Horacek, Bonn, Federal Republic of Germany, relative to nuclear testing; to the Committee on Foreign Affairs.

229. Also, petition of Peter J. Cojanis, Washington, DC, relative to the right to pe-

tition the Congress; to the Committee on the Judiciary.

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AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3008

By Mr. LUNGREN:

—Page 13, after line 17, add the following:

(5) Any differential (or portion of a differential) identified under subsection (b)(1) which cannot be accounted for by the application of job-content and economic analyses shall be presumed to be the result of labor market supply and demand factors.